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Memorandum of March 4, 2015

The President

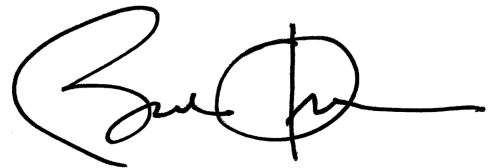
## Delegation of Authority Pursuant to Section 1209(b)(2) of the National Defense Authorization Act for Fiscal Year 2015

### Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate the functions and authorities vested in the President by section 1209(b)(2) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) (the “Act”) to the Secretary of State.

Any reference in this memorandum to the Act shall be deemed to be a reference to any future Act that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
Washington, March 4, 2015



# Rules and Regulations

Federal Register

Vol. 80, No. 50

Monday, March 16, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2014-0070; Directorate Identifier 2011-SW-062-AD; Amendment 39-18114; AD 2015-05-04]

RIN 2120-AA64

#### Airworthiness Directives; Bell Helicopter Textron Canada Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 407 helicopters. This AD requires inspecting the aft fuselage upper skin (upper skin) for a crack and the upper left longeron assembly (longeron assembly) for a crack, corrosion, or defect. This AD requires replacing or repairing a part or section, depending on the inspection's outcome. This AD was prompted by reports of cracks in the upper left-hand longeron. This AD's actions are intended to prevent failure of the longeron assembly or the upper skin, which could lead to a structural failure and loss of helicopter control.

**DATES:** This AD is effective April 20, 2015.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 20, 2015.

**ADDRESSES:** For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437-2862 or (800) 363-8023; fax (450) 433-0272; or at <http://www.bellcustomer.com/files/>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region,

2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. It is also available on the Internet at <http://www.regulations.gov> by searching and locating Docket No. FAA 2014-0070.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the Transport Canada Civil Aviation (TCCA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800-647-5527) is U.S. Department of Transportation, Docket Operations Office, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; email [sharon.y.miles@faa.gov](mailto:sharon.y.miles@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On February 12, 2014, at 79 FR 8358, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to BHTC Model 407 helicopters, with a serial number 53000 through 53900, 53911 through 54061, and 54300, with longeron assembly, part number (P/N) 206-031-314-037, 206-031-314-177, or 206-031-314-219B. The NPRM proposed to require inspecting the upper skin for a crack and longeron assembly for a crack, corrosion, or defect. The NPRM also proposed to require replacing or repairing a part or section, depending on the inspection's outcome. The proposed requirements were intended to prevent failure of the longeron assembly or the upper skin, which could lead to a structural failure and loss of helicopter control.

The NPRM was prompted by Canadian AD No. CF-2011-42, dated November 9, 2011, issued by TCCA, which is the aviation authority for Canada, to correct an unsafe condition

for certain BHTC Model 407 helicopters. TCCA advises that longeron assemblies, P/Ns 206-031-314-037, 206-031-314-177, and 206-031-314-219B, installed on helicopters with 1,200 or more hours air time, are prone to cracking. The TCCA AD requires, based on hours air time since new, visually inspecting the aft fuselage upper skin for cracks and replacing the skin if cracked and visually inspecting the longeron assembly for cracks and general condition. If the longeron assembly is serviceable, the TCCA AD requires repeating the inspection of the longeron assembly for cracks and general condition at intervals based on whether external strap doublers are installed. If the longeron assembly is cracked, the TCCA AD requires repairing or replacing it, installing three external strap doublers, and repeating the inspection of the longeron assembly if it was repaired. Installing a new longeron assembly, P/N 206-031-314-237B, and the three external strap doublers constitutes terminating action for the requirements of the TCCA AD.

#### Comments

After our NPRM (79 FR 8358, February 12, 2014) was published, we received comments from one commenter.

#### Request

A BHTC representative requested that we change the AD to be consistent with the requirements in the TCCA AD and the Bell service information. The commenter stated that the NPRM's inspection intervals were more restrictive with no additional safety benefit. According to the commenter, the NPRM proposed an inspection interval of 50 hours whenever the strap doublers but not new longeron are installed, while the TCCA AD and service information increased the inspection interval to 150 hours. Also, the commenter stated the NPRM increased the inspection interval to 150 hours when a new longeron is installed with the strap doublers, while the TCCA AD and service information provide this as terminating action.

We disagree. Although they are arranged and worded differently, the actions proposed in the NPRM are the same as those in the TCCA AD and service information. Paragraph (e)(4) of the Required Actions extends the inspection interval to 150 hours when

the strap doublers are installed without the new longeron. Paragraph (e)(3) of the Required Actions states that replacing the longeron assembly with a new longeron assembly and installing three external strap doublers constitutes terminating action to the requirements of the AD. This is consistent with the TCCA AD and the BHTC service information.

#### FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, TCCA, its technical representative, has notified us of the unsafe condition described in the TCCA AD. We are issuing this AD because we evaluated all information provided by TCCA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

#### Related Service Information Under 1 CFR Part 51

BHTC has issued Alert Service Bulletin 407-11-95, Revision C, dated April 20, 2012 (ASB), to correct an unsafe condition for Model 407 helicopters, serial numbers 53000 through 53900, 53911 through 54061, and 54300, with a flight time of 1200 or more hours, and with a longeron assembly, P/N 206-031-314-037, 206-031-314-177, or 206-031-314-219B. The ASB states that BHTC received reports of longeron assemblies cracking in service. The ASB:

- Specifies a one-time inspection of the aft fuselage top skin and repetitive inspections of the upper left longeron assembly;
- Provides a repair procedure for the longeron assembly;
- Allows for the installation of longeron assembly, P/N 206-031-314-237B, and three external strap doublers as terminating action for the repetitive inspection requirements.

This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

#### Costs of Compliance

We estimate that this AD affects 584 helicopters of U.S. Registry and that labor costs average \$85 an hour. Based on these estimates, we estimate the following costs:

- A one-time visual inspection of the aft fuselage upper skin requires 1 work-hour and no parts for a total cost of \$85 per helicopter, \$49,640 for the U.S. fleet.

- A visual inspection of the longeron and replacing the aft fuselage upper skin requires 3 work hours for a labor cost of \$255 per helicopter. Parts cost \$723 for total cost of \$978 per helicopter.

- Repairing the longeron if needed and installing the doublers requires 16 work hours for a labor cost of \$1,360. Parts cost \$3,928 for a total cost of \$5,288 per helicopter.

- Replacing the longeron with P/N 206-031-314-237B combined with the installation of the three external strap doublers require 24 work hours for a labor cost of \$2,040. Parts cost \$13,560 for a total cost of \$15,600 per helicopter.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

#### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
- (3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

#### 2015-05-04 Bell Helicopter Textron

**Canada Helicopters:** Amendment 39-18114; Docket No. FAA-2014-0070; Directorate Identifier 2011-SW-062-AD.

#### (a) Applicability

This AD applies to Bell Helicopter Textron Canada (BHTC) Model 407 helicopters, with a serial number 53000 through 53900, 53911 through 54061, and 54300, with an upper left longeron assembly (longeron assembly), part number (P/N) 206-031-314-037, 206-031-314-177, or 206-031-314-219B, installed, certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as a crack in the aft fuselage upper skin or a crack, corrosion, or defect in the longeron assembly. This condition could cause structural failure and consequently, loss of helicopter control.

#### (c) Effective Date

This AD becomes effective April 20, 2015.

#### (d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

#### (e) Required Actions

Within 50 hours time-in-service (TIS), or prior to reaching 1,250 hours TIS since new, whichever occurs later, visually inspect the helicopter's aft fuselage upper skin (upper skin) for a crack using a 10X or higher power magnifying glass.

(1) If there is a crack in the upper skin, before further flight, remove the skin and inspect the longeron assembly, paying attention to the upper flange, for a crack, corrosion, or other damage using a 10X or higher power magnifying glass.

(i) If there are no cracks, corrosion, or other damage in the longeron assembly, before further flight, replace the upper skin with an

airworthy upper skin. Repeat the inspection of the longeron assembly at intervals not to exceed 50 hours TIS.

(ii) If there is a crack, corrosion, or other damage in the longeron assembly, before further flight:

(A) Repair the longeron assembly or replace it with an airworthy longeron assembly, part number (P/N) 206-031-314-237B, and reinstall the upper skin or replace it with an airworthy upper skin.

(B) Install three external strap doublers in accordance with Part III, paragraphs 5 through 10 of Bell Helicopter Alert Service Bulletin 407-11-95, Revision C, dated April 20, 2012 (ASB).

(C) Repeat the inspection of the longeron assembly at intervals not to exceed 50 hours TIS.

(2) If there is no crack in the upper skin, within 10 hours TIS, visually inspect the longeron assembly using a 10X or higher power magnifying glass for a crack, corrosion, or other damage.

(i) If there is a crack, corrosion, or other damage in the longeron assembly, before further flight:

(A) Repair the longeron assembly or replace it with an airworthy longeron assembly, P/N 206-031-314-237B.

(B) Install three external strap doublers in accordance with Part III, paragraphs 5 through 10 of the ASB.

(C) Repeat the inspection of the upper skin and longeron assembly at intervals not to exceed 50 hours TIS.

(ii) If there are no cracks, corrosion, or other damage in the longeron assembly, repeat the inspection of the upper skin and longeron assembly at intervals not to exceed 50 hours TIS.

(3) Replacing the longeron assembly with longeron assembly, P/N 206-031-314-237B, and installing three external strap doublers constitutes terminating action for this AD.

(4) If there is no crack in the upper skin and there is no crack, corrosion, or other damage in the longeron assembly, you may install three external strap doublers in accordance with Part III, paragraphs 5 through 10 of the ASB. This option extends the recurring 50 hours TIS inspection interval to 150 hours TIS.

#### (f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; email [sharon.y.miles@faa.gov](mailto:sharon.y.miles@faa.gov).

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

#### (g) Additional Information

The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) AD

No. CF-2011-42, dated November 9, 2011. You may view the TCCA AD on the Internet at <http://www.regulations.gov> in Docket No. FAA-2014-0070.

#### (h) Subject

Joint Aircraft Service Component (JASC) Code: 5313, Fuselage Main, Longerons/ Stringer.

#### (i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Bell Helicopter Alert Service Bulletin 407-11-95, Revision C, dated April 20, 2012.

(ii) Reserved.

(3) For BHTC service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437-2862 or (800) 363-8023; fax (450) 433-0272; or at <http://www.bellcustomer.com/files/>.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Fort Worth, Texas, on March 3, 2015.

**Bruce E. Cain,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2015-05571 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2015-0491; Directorate Identifier 2015-NM-019-AD; Amendment 39-18117; AD 2015-05-07]**

**RIN 2120-AA64**

#### Airworthiness Directives; Bombardier, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2015-02-

06 for certain Bombardier, Inc. Model CL-600-2B16 (CL-604 Variant) airplanes. AD 2015-02-06 required a revision to the airplane flight manual, a revision to the maintenance or inspection program, as applicable, and replacement of horizontal stabilizer trim actuators (HSTAs) having certain part numbers. This new AD continues to require those actions and corrects certain typographical errors. This AD was prompted by the discovery of three typographical errors in AD 2015-02-06. We are issuing this AD to detect and correct loose spur gear bolts on the HSTA, which, if combined with the failure of the primary load path, could lead to failure of the HSTA and subsequent loss of the airplane.

**DATES:** This AD becomes effective March 16, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 6, 2015 (80 FR 5017, January 30, 2015).

We must receive comments on this AD by April 30, 2015

**ADDRESSES:** You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: 202-493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0491; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Ricardo Garcia, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7331; fax 516-794-5531.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On January 11, 2015, we issued AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015). AD 2015-02-06 applied to certain Bombardier, Inc. Model CL-600-2B16 (CL-604 Variant) airplanes. AD 2015-02-06 was prompted by reports of loose, broken, or backed-out spur gear bolts on the HSTA. AD 2015-02-06 required a revision to the airplane flight manual, a revision to the maintenance or inspection program, as applicable, and replacement of HSTAs having certain part numbers. We issued AD 2015-02-06 to detect and correct loose spur gear bolts on the HSTA, which, if combined with the failure of the primary load path, could lead to failure of the HSTA and subsequent loss of the airplane.

Since we issued AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015), three typographical errors were discovered in AD 2015-02-06.

As published, a digit was missing from the engineer's phone number in the **FOR FURTHER INFORMATION CONTACT** section of the preamble of AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015). The correct phone number is "516-228-7331."

As published, the AD number of AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015), appears as "2014-02-06" in the Product Identification line of the regulatory text of the AD. The correct AD number is "2015-02-06." The AD number is referenced correctly throughout the remainder of that document.

As published, a vendor part number in paragraph (j) of AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015), was incorrectly identified as "845401." The correct vendor part number is "8454-1."

Since this new AD replaces AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015), there are no additional changes in this new AD.

**FAA's Determination and Requirements of This AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**FAA's Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the urgency to correct the part number and AD number errors to avoid non-compliance. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2015-0491; Directorate Identifier 2015-NM-019-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

**Costs of Compliance**

We estimate that this AD affects 125 airplanes of U.S. registry.

The actions required by AD 2015-02-06, Amendment 39-18073 (80 FR 5017, January 30, 2015), and retained in this AD take about 21 work-hours per product, at an average labor rate of \$85 per work-hour. Required parts cost

about \$0 per product. Based on these figures, the estimated cost of the actions that are required by AD 2015-02-06 is \$1,785 per product.

The new requirements of this AD add no additional economic burden.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), and adding the following new AD:

**2015–05–07 Bombardier, Inc.:** Amendment 39–18117. Docket No. FAA–2015–0491; Directorate Identifier 2015–NM–019–AD.

#### (a) Effective Date

This AD becomes effective March 16, 2015.

#### (b) Affected ADs

This AD replaces AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015).

#### (c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B16 (CL–604 Variant) airplanes, certificated in any category, serial numbers 5301 and subsequent, equipped with horizontal stabilizer trim actuator (HSTA) part number (P/N) 604–92305–3 (vendor P/N 8454–1) or P/N 604–92305–5 (vendor P/N 8454–2).

#### (d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

#### (e) Reason

This AD was prompted by the discovery of three typographical errors in AD 2015–02–06. We are issuing this AD to detect and correct loose spur gear bolts on the HSTA, which, if combined with the failure of the primary load path, could lead to failure of the HSTA and subsequent loss of the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Retained Airplane Flight Manual (AFM) Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with no changes. Within 30 days after March 6, 2015 (the effective date of AD 2015–02–06): Revise the Normal Procedures section of the applicable Bombardier AFM to include the information in the applicable temporary revision (TR) specified in paragraph (g)(1) or (g)(2) of this AD. The TRs introduce revised procedures for the stabilizer trim system check. Operate the airplane according to the limitations and

procedures in the applicable TR. The revision may be done by inserting a copy of the applicable TR specified in paragraph (g)(1) or (g)(2) of this AD into the AFM. When the TR has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, provided the relevant information in the general revision is identical to that in the applicable TR, and the TR may be removed.

(1) Bombardier Temporary Revision (TR) 604/37, dated May 21, 2013, to the Bombardier Challenger CL–604 Airplane Flight Manual, PSP 604–1.

(2) Bombardier TR 605/18, dated May 21, 2013, to the Bombardier Challenger CL–605 Airplane Flight Manual, PSP 605–1.

#### (h) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with no changes. Within 30 days after March 6, 2015 (the effective date of AD 2015–02–06): Revise the maintenance or inspection program, as applicable, by incorporating procedures for an Operational Test (BITE) of the Horizontal Stabilizer Trim Controls System (HSTCS), in accordance with a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). The initial compliance time for the operational test is within 100 flight hours after March 6, 2015 (the effective date of AD 2015–02–06).

**Note 1 to paragraph (h) of this AD:** Bombardier Task 27–41–00–101, Operational Test (BITE) of the Horizontal Stabilizer Trim Controls System (HSTCS), provides guidance for the operational test specified in paragraph (h) of this AD. Bombardier Task 27–41–00–101 is included in the Bombardier Challenger 604 Time Limits/Maintenance Checks (TLMC) Manual; and in the Bombardier Challenger 605 TLMC Manual.

#### (i) Retained No Alternative Actions or Intervals, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with no changes. After the maintenance or inspection program has been revised, as required by paragraph (h) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m)(1) of this AD.

#### (j) Retained HSTA Replacement, With Corrected Vendor Part Number

This paragraph restates the requirements of paragraph (j) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with a corrected vendor part number. For airplanes equipped with a HSTA having P/N 604–92305–3 (vendor P/N 8454–1) or P/N 604–92305–5 (vendor P/N 8454–2): Within 3,000 flight hours or 26 months after March 6, 2015 (the effective date of AD 2015–02–06), whichever occurs first, replace any

HSTA having P/N 604–92305–3 (vendor P/N 8454–1) or P/N 604–92305–5 (vendor P/N 8454–2) with a HSTA having P/N 604–92305–7 (vendor P/N 8454–3), in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 604–27–032, Revision 02, dated April 22, 2014; or Bombardier Service Bulletin 605–27–002, Revision 02, dated April 22, 2014; as applicable.

#### (k) Retained Credit for Previous Actions, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with no changes. This paragraph provides credit for the actions required by paragraph (j) of this AD if those actions were performed before March 6, 2015 (the effective date of AD 2015–02–06) using the service information identified in paragraphs (k)(1) through (k)(4) of this AD, as applicable. This service information is not incorporated by reference in this AD.

(1) Bombardier Service Bulletin 604–27–032, dated September 10, 2012.

(2) Bombardier Service Bulletin 604–27–032, Revision 01, dated April 29, 2013.

(3) Bombardier Service Bulletin 605–27–002, dated September 10, 2012.

(4) Bombardier Service Bulletin 605–27–002, Revision 01, April 29, 2013.

#### (l) Retained Parts Installation Prohibition, With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2015–02–06, Amendment 39–18073 (80 FR 5017, January 30, 2015), with no changes. As of March 6, 2015 (the effective date of AD 2015–02–06), no person may install any HSTA having P/N 604–92305–3 (vendor P/N 8454–1) or 604–92305–5 (vendor P/N 8454–2) on any airplane.

#### (m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

**(n) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF-2013-18 dated July 16, 2013, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0491.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(4) and (o)(5) of this AD.

**(o) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on March 6, 2015 (80 FR 5017, January 30, 2015).

(i) Bombardier Service Bulletin 604-27-032, Revision 02, dated April 22, 2014.

(ii) Bombardier Service Bulletin 605-27-002, Revision 02, dated April 22, 2014.

(iii) Bombardier Temporary Revision 604/37, dated May 21, 2013, to the Bombardier Challenger CL-604 Airplane Flight Manual, PSP 604-1.

(iv) Bombardier Temporary Revision 605/18, dated May 21, 2013, to the Bombardier Challenger CL-605 Airplane Flight Manual, PSP 605-1.

(4) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>.

(5) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on March 5, 2015.

**Jeffrey E. Duven,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015-05735 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2008-0561; Directorate Identifier 2007-NM-223-AD; Amendment 39-18111; AD 2015-05-01]**

**RIN 2120-AA64**

**Airworthiness Directives; The Boeing Company Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 757-200, -200PF, -200CB, and -300 series airplanes; and Model 767-200, -300, -300F, and -400ER series airplanes. This AD was prompted by reports indicating that the counterweights in some hub assemblies of the ram air turbine (RAT) could be understrength and fracture when the RAT is rotating, and that some RAT hub assemblies were delivered with balance washer retention screws that were incorrectly heat-treated, and therefore, susceptible to fracture and cracking. This AD requires a part number and serial number inspection to determine if certain RAT hub assemblies are installed; and, for affected RAT hub assemblies, doing an inspection for missing and fractured balance washer screws, and replacement or rework if necessary. We are issuing this AD to prevent an inoperative RAT, which, following a dual engine shutdown in flight, will cause loss of all hydraulic power to the primary flight controls, resulting in subsequent loss of control of the airplane.

**DATES:** This AD is effective April 20, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 2015.

**ADDRESSES:** For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. For Hamilton Sundstrand service information identified in this AD, contact Hamilton Sundstrand, Technical Publications, Mail Stop 302-9, 4747 Harrison Avenue, P.O. Box 7002, Rockford, IL 61125-7002; phone: 860-654-3575; fax: 860-998-4564; email:

[tech.solutions@hs.utc.com](mailto:tech.solutions@hs.utc.com); Internet: <http://www.hamiltonsundstrand.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2008-0561.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2008-0561; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:****Discussion**

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 757-200, -200PF, -200CB, and -300 series airplanes; and Model 767-200, -300, -300F, and -400ER series airplanes. The SNPRM published in the **Federal Register** on April 24, 2014 (79 FR 22777). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on May 20, 2008 (73 FR 29087). The NPRM proposed to require doing an inspection to determine the part number and serial number of the RAT hub assembly, and replacing the RAT hub assembly with a new, serviceable, or reworked and re-identified RAT hub assembly if necessary. The NPRM was prompted by reports indicating that the counterweights in some hub assemblies of the RATs could be understrength and fracture when the RAT is rotating. The

SNPRM proposed to add airplanes to the applicability; add an additional part number and serial number inspection to determine if certain RAT hub assemblies are installed; and, for affected RAT hub assemblies, doing an inspection for missing and fractured balance washer screws, and replacement if necessary to address an additional defect identified within the RAT hub assembly. We are issuing this AD to prevent an inoperative RAT, which, following a dual engine shutdown in flight, will cause loss of all hydraulic power to the primary flight controls, resulting in subsequent loss of control of the airplane.

#### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the SNPRM (79 FR 22777, April 24, 2014) and the FAA's response to each comment.

#### Request To Perform a Records Review in Lieu of an Inspection

FedEx requested an option to perform a records review in lieu of an inspection to determine if any suspect RAT hub assemblies are installed. FedEx stated that this is to prevent unnecessary inspections on future Model 767 airplanes delivered from Boeing.

We agree with the commenter's request. The serial number applicability relates to a sub-assembly of the RAT (the turbine hub assembly serial number, and not the RAT serial number). Consequently, many operators might not have such detailed records. However, if an operator has records indicating the serial number of the turbine hub assembly that is currently installed on the RAT of a particular airplane, there is no need to deploy the RAT for inspection to determine if this AD is applicable. Therefore, a review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the RAT hub assembly can be conclusively determined from that review. We have revised paragraphs (g) and (h) of this AD accordingly.

#### Request for Additional Removal Options (Screw Replacement Information)

United Airlines (UAL) requested that the SNPRM (79 FR 22777, April 24, 2014) be updated to include an additional scenario in which an operator finds all balance washers in place, but one or more screws fractured. UAL stated that paragraph 2.B.(5)(d) of Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010

(for Model 757 airplanes); and paragraph 2.B.(5)(d) of Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes); provide on-wing (or off-wing) procedures for the situation where all balance washers are present, but one or more screws are fractured. UAL stated that the operator has the option to remove the screw shank still in the hole with vice grips or a screw extractor in lieu of RAT or RAT hub replacement.

We disagree with the commenter's request to not replace the RAT or RAT hub assembly if all washers are in place, but one or more screws are found fractured during the inspection required by paragraph (h)(1) of this AD. In this scenario, since any fractured screw is found, the RAT or RAT hub assembly needs to be replaced with a new, serviceable, reworked, and re-identified RAT or RAT hub assembly.

Multiple balance washers (of different weights) could be installed in a location; therefore, depending on how the screw fractures, it may be possible to lose one, but not all, balance washers. However, it is most likely that the screw head and all balance washer(s) for that location will be missing.

However, it is also possible that a screw could fracture during its removal (*i.e.*, the screw was not found fractured during the inspection required by paragraph (h)(1) of this AD). This scenario has been reported on numerous occasions. In this case, it is not necessary to remove the RAT hub assembly (or RAT) if removal of the fractured screw is successful (*i.e.*, successful removal of a screw that fractures during its removal).

The preamble of the SNPRM (79 FR 22777, April 24, 2014) included the paragraph, "Screw Replacement Information," to provide additional clarification that if a screw fractures during any screw replacement and the weight is still available, the balance weight can be installed with the replacement screw. We further emphasize that screws should only be replaced one at a time to prevent any potential for a removed balance washer to be installed in a different location.

We also provide the following additional information. The attempted removal of a fractured screw can be done without replacement of the RAT or RAT hub assembly only if the screw fractures during removal, and if all balance washers originally installed at that location can be positively accounted for and can be assembled back into that location. We also note that there could be more than one washer installed at each location. We

have not changed this final rule in this regard.

#### Request To Not Require Returning Screws to Hamilton Sundstrand

UAL requested the procedure to return all screws or remnants of fractured screws to Hamilton Sundstrand for further investigation, as specified in paragraph 2.E., "Return Balance Washer Screws to Hamilton Sundstrand," of Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); and in Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes); not be required. UAL stated that this is an unnecessary requirement and will only burden the maintenance personnel with additional logistical procedures that do not add value. UAL also stated that the balance screw failure issue and root cause are well understood by Hamilton Sundstrand and that returning failed screws will not provide additional information.

We agree with the commenter's request. Returning the screws or fractured screws is not required since the issue is now well understood. We have added new paragraph (h)(2)(iii) to this AD to specifically exclude this requirement.

#### Request To Add New Paragraph To Clarify Compliance for Airplanes in Production

Boeing requested that a new paragraph be added to paragraph (i) of the proposed AD (79 FR 22777, April 24, 2014), to read, "New OEM RAT hub assemblies not listed in (i)(1) or (i)(2) installed prior to airplane delivery meet the requirements of paragraph (i). After delivery, airline operators are responsible for maintaining paragraph (i) compliance." Boeing stated that this language clarifies compliance for Model 767 airplanes in production.

We partially agree. We do not agree with the commenter's request to add a new paragraph. However, we agree that clarification is necessary. For airplanes on which new OEM RAT hub assemblies not listed in paragraphs (i)(1) and (i)(2) of this AD are installed during production, it is possible for suspect hub assemblies to be installed, *i.e.*, a suspect hub assembly might be removed from one airplane and installed on another airplane. Therefore, an airplane delivered with conforming parts may no longer have conforming parts due to the interchangeability of parts in service. All airplanes must comply with the requirements of paragraph (i) of this AD. We have not changed this AD in this regard.



### Request To Revise Paragraph (i) of the Proposed AD (79 FR 22777, April 24, 2014)

Boeing requested that paragraph (i)(3) of the proposed AD (79 FR 22777, April 24, 2014) be revised to read as follows: “As of the effective date of this AD, no person may install a balance washer screw having part number (P/N) MS24667-14, on the RAT hub assembly of any airplane unless a records review can positively determine that the screws did not come from Northeast Fasteners, lots 24057 and 30533.” Boeing stated that this language would clarify that the P/N MS24667-14 screw is prohibited only for installation on RAT hub assemblies.

We agree with the commenter’s request. Screws having P/N MS24667-14 should not be installed on the RAT hub assembly unless operators can guarantee the screws did not come from Northeast Fasteners, lots 24057 and 30533. Hamilton Sundstrand was the only company to receive screws from lot 30533, so no other inventory should be contaminated with them. Several organizations received screws from lot 24057. All customers who received the defective screws have been advised of the non-conformance in lot 24057. There was also a government-industry data exchange program alert issued to notify other organizations of the potential for the inventories to be contaminated.

We have determined that balance washer screws with P/N MS24667-14 from Northeast Fasteners, lots 24057 and 30533, are non-conforming and are unacceptable for use on the RAT hub assembly. The unsafe condition of this AD is applicable to RAT balance washer screws; therefore, it is appropriate to limit the required actions to balance washer screws installed on RAT hub assemblies. We have changed paragraph (i)(3) of this AD accordingly.

### Request for Clarification of Previous Actions

FedEx requested clarification concerning whether credit is given for accomplishment of previous actions using Boeing Alert Service Bulletin 757-29A0066, dated January 2, 2007 (for Model 757-200 and -200PF series airplanes). FedEx stated that it has issued engineering orders to inspect and replace the RAT hub assemblies, if required, for possible fractured hub assembly counterweights using Boeing Alert Service Bulletin 757-29A0066, dated January 2, 2007.

We agree to provide clarification. Paragraph (k) of this AD provides credit for the actions required by paragraph (g)

of this AD, if those actions were performed before the effective date of this AD using the service information specified in Boeing Alert Service Bulletin 757-29A0066, dated January 2, 2007 (for Model 757-200 and -200PF series airplanes). Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes), expanded the airplane effectivity to include all Model 757 airplanes; no additional work is specified in this revision of the service information. We have not changed this AD in this regard.

### Request To Revise the Costs of Compliance Paragraph

Delta Air Lines (DAL) requested that the manpower and cost for materials specified in Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010, be added to the “Costs of Compliance” paragraph in the SNPRM (79 FR 22777, April 24, 2014). DAL stated that after reviewing the service information and comparing the costs to the SNPRM, two discrepancies were noted. DAL stated that in Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010, it states, “For a turbine assembly or RAT with a missing balance washer, or with a balance washer screw that cannot be removed in its entirety, a maximum of 9.0 man-hours will be required to disassemble the unit as necessary to remove the fractured screw and balance washer, balance the turbine assembly, assemble the unit, and test the unit.” DAL stated that the 9 man-hour requirement and the cost for materials are not specified in the SNPRM’s “Costs of Compliance” paragraph.

We agree that the labor costs specified in Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010, were not included in the “Cost of Compliance” paragraph in the SNPRM (79 FR 22777, April 24, 2014). We have revised the “Costs of Compliance” paragraph in this final rule to include 9 work-hours for the replacement of balance washer screws. However, Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010, does not specify material costs and we have received no definitive data on replacement costs.

In addition, UTC Aerospace Systems has stated it will continue to cover certain costs associated with the service information free of charge for 24 months after the effective date of this final rule, extending the expiration dates in the service information. We have also added a warranty statement to the “Costs of Compliance” paragraph of this final rule.

### Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM (79 FR 22777, April 24, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM (79 FR 22777, April 24, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

### Related Service Information Under 1 CFR Part 51

We reviewed the following service information. The service information describes procedures for an inspection to determine the part number and serial number of the RAT hub assembly and replacement of the RAT or RAT hub assembly.

- Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010.
- Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010.
- Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010.
- Boeing Special Attention Service Bulletin 767-29-0112, dated June 24, 2010.

We have also reviewed Hamilton Sundstrand Service Bulletin 729548-29-15, dated November 30, 2005; and Hamilton Sundstrand Service Bulletin 730814-29-12, dated November 30, 2005. The service information describes procedures for rework and re-identification of RAT hub assemblies.

In addition, we have also reviewed Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010; and Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010. The service information describes procedures for a general visual inspection for missing washers and fractured screws of the rotor assembly and replacement of balance washer screws; and inspection, rework, and re-identification of RAT hub assemblies.

This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

### Costs of Compliance

We estimate that this AD affects 1,132 airplanes of U.S. registry.



We estimate the following costs to comply with this AD:

## ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$96,220

We estimate the following costs to do any necessary replacements that would

be required based on the results of the inspection. We have no way of

determining the number of aircraft that might need these replacements:

## ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of balance washer screws .....	Up to 9 work-hours × \$85 per hour = Up to \$765 .....	<sup>1</sup> \$0	Up to \$765.
Removal and installation of RAT assembly .....	5 work-hours × \$85 per hour = \$425 .....	0	\$425.
Removal and installation of RAT hub assembly .....	2 work-hours × \$85 per hour = \$170 .....	0	\$170.

<sup>1</sup> We have received no definitive data on replacement costs.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all labor costs in our cost estimate. However, we have received no definitive data that would enable us to provide cost estimates for the on-condition parts cost specified in this AD.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2015–05–01 The Boeing Company:**  
Amendment 39–18111; Docket No. FAA–2008–0561; Directorate Identifier 2007–NM–223–AD.

### (a) Effective Date

This AD is effective April 20, 2015.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes; and Model 767–200, –300, –300F, and –400ER series airplanes; certificated in any category.

### (d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

### (e) Unsafe Condition

This AD was prompted by reports indicating that the counterweights in some hub assemblies of the ram air turbine (RAT) could be understrength and fracture when the RAT is rotating, and that some RAT hub assemblies were delivered with balance washer retention screws that were incorrectly heat-treated, and therefore, susceptible to fracture and cracking. We are issuing this AD to prevent an inoperative RAT, which, following a dual engine shutdown in flight, will cause loss of all hydraulic power to the primary flight controls, resulting in subsequent loss of control of the airplane.

### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

### (g) Inspection and Replacement of Parts With a Counterweight Defect

Prior to the next RAT backdrive test, or within 24 months after the effective date of this AD, whichever occurs first: Do an inspection to determine the part number and serial number of the RAT hub assembly, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes); or Boeing Alert Service Bulletin 767–29A0110,

Revision 1, dated March 8, 2010 (for Model 767 airplanes). A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the RAT hub assembly can be conclusively determined from that review.

(1) If the part number or serial number of the RAT hub assembly is missing, or if the part number and serial number are specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD, and the hub assembly has not been reworked and re-identified as specified in Hamilton Sundstrand Service Bulletin 730814-29-12, dated November 30, 2005 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-15, dated November 30, 2005 (for Model 767 airplanes); Prior to the next RAT backdrive test or within 24 months after the effective date of this AD, whichever occurs first, replace the RAT or RAT hub assembly with a new, serviceable, or reworked and re-identified RAT or RAT hub assembly, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes); or Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010 (for Model 767 airplanes); except as provided by paragraphs (g)(2) and (g)(3) of this AD.

(i) Model 757-200, -200PF, -200CB, and -300 series airplanes having part number (P/N) 733785A or 733785B, and serial number (S/N) 0410 through 0413 inclusive, 0415, 0417 through 0430 inclusive, 0432, or 0434.

(ii) Model 767-200, -300, -300F, and -400ER series airplanes having P/N 734350A, 734350B, 734350C, or 734350D; and S/N 0666, 0673 through 0684 inclusive, 0686, 0687, or 0689.

(2) Where Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes); or Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010 (for Model 767 airplanes); specifies to contact Hamilton Sundstrand for a replacement unit, this AD does not require that action.

(3) Where Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes); or Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010 (for Model 767 airplanes); specifies to return all RAT hub assemblies to Hamilton Sundstrand for rework and test, operators may return the RAT or RAT hub assembly to Hamilton Sundstrand or to an FAA-approved repair facility that has the capability to disassemble, repair, balance, and test the RAT or RAT hub assembly.

#### (h) Inspection and Replacement of Parts With a Balance Washer Screw Defect

Prior to the next RAT backdrive test, or within 24 months after the effective date of this AD, whichever occurs first: Do an inspection to determine the part number and serial number on the RAT hub assembly, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010 (for Model 757 airplanes); or Boeing Special Attention Service Bulletin 767-29-

0112, dated June 24, 2010 (for Model 767 airplanes). A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the RAT hub assembly can be conclusively determined from that review.

(1) If the part number or serial number of the RAT hub assembly is missing or if the part number and serial number is listed in paragraph 1.A., "Effectivity," of Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes); and the RAT hub assembly has not been reworked and re-identified, as specified in Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes); Prior to the next RAT backdrive test or within 24 months after the effective date of this AD, whichever occurs first, do a general visual inspection of the 12 balance washer screws installed around the perimeter of the rotor assembly for missing washers and fractured screws, in accordance with the Accomplishment Instructions of Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes).

(2) If, during any inspection required by paragraph (h)(1) of this AD, any balance washer is missing or any fractured screw is found, prior to the next RAT backdrive test or within 24 months after the effective date of this AD, whichever occurs first: Replace the RAT or RAT hub assembly with a new, serviceable, or reworked and re-identified RAT or RAT hub assembly, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010 (for Model 757 airplanes); or Boeing Special Attention Service Bulletin 767-29-0112, dated June 24, 2010 (for Model 767 airplanes); except as provided by paragraphs (h)(2)(i), (h)(2)(ii), and (h)(2)(iii) of this AD.

(i) Where Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010 (for Model 757 airplanes); and Boeing Special Attention Service Bulletin 767-29-0112, dated June 24, 2010 (for Model 767 airplanes); specify to contact Hamilton Sundstrand for a replacement unit, this AD does not require that action.

(ii) Where Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010 (for Model 757 airplanes); and Boeing Special Attention Service Bulletin 767-29-0112, dated June 24, 2010 (for Model 767 airplanes); instruct operators to return all RAT or RAT hub assemblies to Hamilton Sundstrand for rework and test, operators may return the RAT or RAT hub assembly to Hamilton Sundstrand or an FAA-approved repair facility that has the capability to disassemble, repair, balance, and test the RAT or RAT hub assembly.

(iii) Where Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton

Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes); instructs operators to return all of the removed screws (including the remnants of the fractured screws) to Hamilton Sundstrand for further investigation, this AD does not include that requirement.

(3) If, during any inspection required by paragraph (h)(1) of this AD, there are no missing balance washers and no fractured screws: Prior to the next RAT backdrive test or within 24 months after the effective date of this AD, whichever occurs first, replace the balance washer screws, one at a time, in accordance with Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes).

#### (i) Parts Installation Limitations

(1) As of the effective date of this AD, no person may install a RAT hub assembly having any part number and serial number specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD, on any airplane, unless it has been reworked and re-identified in accordance with Hamilton Sundstrand Service Bulletin 730814-29-12, dated November 30, 2005 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-15, dated November 30, 2005 (for Model 767 airplanes).

(i) Model 757-200, -200PF, -200CB, and -300 series airplanes having P/N 733785A or 733785B; and S/N 0410 through 0413 inclusive, 0415, 0417 through 0430 inclusive, 0432, or 0434.

(ii) Model 767-200, -300, -300F, and -400ER series airplanes having P/N 734350A, 734350B, 734350C, or 734350D; and S/N 0666, 0673 through 0684 inclusive, 0686, 0687, or 0689.

(2) As of the effective date of this AD, no person may install a RAT hub assembly having any applicable part number and serial number specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD, on any airplane, unless it has been inspected, reworked, and re-identified in accordance with Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010 (for Model 757 airplanes); or Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010 (for Model 767 airplanes).

(i) Model 757-200, -200PF, -200CB, and -300 series airplanes having P/N 733785AB Series, and S/N 0107, 0105, 0121, 0151, 0179, 0204, 0282, 0289, 0296, 0315, 0319, 0337, 0390, 0403, 0412, 0421, 0424, 0426, 0429, 0430, 0439, 0445, 0450, 0477, 0503, 0510, 0512, 0584, 0585, 0591, 0599, 0609, 0617, 0624, 0656, 0673, 0685, 0789, 0822, 0841, 0854, 0911, 0912, 0936, 0957, 0961, 0971, 1061, 1064, 1096, 1101, 1102, 1105, 1113, 1117, 1170, 1172, 1173, or X2069.

(ii) Model 767-200, -300, -300F, and -400ER series airplanes having P/N 734350 Series, and S/N 0042, 0074, 0170, 0183, 0207, 0311, 0312, 0324, 0336, 0337, 0347, 0367, 0372, 0379, 0381, 0391, 0427, 0431, 0469, 0495, 0500, 0530, 0531, 0533, 0538, 0539, 0550, 0551, 0575, 0584, 0619, 0626, 0666, 0670, 0676, 0690, 0700, 0701, 0734, 0750, 0800, 0801, 0813, 0835, 0836, 0908, 0923,

0958, 0968, 0980, 1009, 1012, 1019, 1046, 1052, 1054, 1102, 1127, 1167, 1264, 1285, 1300, 1317, 1322, 1362, 1372, 1394, 1398, 1436, 1594, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, or X2063.

(3) As of the effective date of this AD, no person may install a balance washer screw having P/N MS24667-14, on the RAT hub assembly of any airplane unless it can be positively determined from a records review that the screws did not come from Northeast Fasteners, lots 24057 and 30533.

#### (j) No Information Submission

Although Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010 (for Model 757 airplanes); and Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010 (for Model 767 airplanes); specify to submit information to the manufacturer, this AD does not include that requirement.

#### (k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (k)(1) or (k)(2) of this AD, as applicable. These documents are not incorporated by reference in this AD.

(1) Boeing Alert Service Bulletin 757-29A0066, dated January 2, 2007 (for Model 757-200 and -200PF series airplanes).

(2) Boeing Alert Service Bulletin 767-29A0110, dated January 2, 2007 (for Model 767-200 and -300 series airplanes).

#### (l) Alternative Methods of Compliance (AMOCs)

(1) For Boeing Model 757-200, -200PF, -200CB, and -300 series airplanes: The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: [9-ANM-LAACO-AMOC-REQUESTS@faa.gov](mailto:9-ANM-LAACO-AMOC-REQUESTS@faa.gov).

(2) For Boeing Model 767-200, -300, -300F, and -400ER series airplanes: The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(3) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/certificate holding district office.

(4) For Boeing Model 757-200, -200PF, -200CB, and -300 series airplanes: An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(5) For Boeing Model 767-200, -300, -300F, and -400ER series airplanes: An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

#### (m) Related Information

(1) For more information about Boeing Model 757-200, -200PF, -200CB, and -300 series airplanes in this AD, contact: Jerry Ramos, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5296; fax: 562-627-5210; email: [Jerry.Ramos@faa.gov](mailto:Jerry.Ramos@faa.gov).

(2) For more information about Boeing Model 767-200, -300, -300F, and -400ER series airplanes in this AD, contact Douglas Tsuji, Senior Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-917-6546; fax: 425-917-6590; [Douglas.Tsuji@faa.gov](mailto:Douglas.Tsuji@faa.gov).

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(5) of this AD.

#### (n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 757-29A0066, Revision 1, dated March 8, 2010.

(ii) Boeing Alert Service Bulletin 767-29A0110, Revision 1, dated March 8, 2010.

(iii) Boeing Special Attention Service Bulletin 757-29-0069, dated June 24, 2010.

(iv) Boeing Special Attention Service Bulletin 767-29-0112, dated June 24, 2010.

(v) Hamilton Sundstrand Service Bulletin 729548-29-15, dated November 30, 2005.

(vi) Hamilton Sundstrand Service Bulletin 729548-29-18, dated February 10, 2010.

(vii) Hamilton Sundstrand Service Bulletin 730814-29-12, dated November 30, 2005.

(viii) Hamilton Sundstrand Service Bulletin 730814-29-15, dated February 10, 2010.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>.

(4) For Hamilton Sundstrand service information identified in this AD, contact Hamilton Sundstrand, Technical Publications, Mail Stop 302-9, 4747 Harrison Avenue, P.O. Box 7002, Rockford, IL 61125-7002; phone: 860-654-3575; fax: 860-998-4564; email [tech.solutions@hs.utc.com](mailto:tech.solutions@hs.utc.com); Internet: <http://www.hamiltonsundstrand.com>.

(5) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 23, 2015.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015-05035 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF DEFENSE

### 32 CFR Part 266

**RIN 0790-AJ30**

### Audits of State and Local Governments, Institutions of Higher Education, and Other Nonprofit Institutions

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes regulations concerning the audits of state and local governments, institutions of higher education, and other nonprofit institutions. The Code of Federal Regulations (CFR) provisions being removed contain policies and procedures directed at DoD component personnel and not the public. Additionally, other DoD guidance on this subject has been published in the Defense Grant and Agreement Regulations, to provide appropriate notice to outside entities.

**DATES:** This rule is effective on March 16, 2015.

**FOR FURTHER INFORMATION CONTACT:** Patricia Toppings at 571-372-0485.

**SUPPLEMENTARY INFORMATION:** A copy of the current DoD Instruction is available at <http://www.dtic.mil/whs/directives/corres/pdf/760010p.pdf>. Additionally, other DoD guidance on this subject has been published in the Defense Grant and Agreement Regulations, codified at 32 CFR part 21 through 37, to provide appropriate notice to outside entities.

#### List of Subjects in 32 CFR Part 266

Accounting, Colleges and universities, Grant programs, Indians, Intergovernmental relations, Loan programs, and Nonprofit organizations.

#### PART 266—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 266 is removed.

Dated: March 11, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015-05915 Filed 3-13-15; 8:45 am]

BILLING CODE 5001-06-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Domestic Mail Manual; Incorporation by Reference

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service announces the issuance of the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) dated January 25, 2015, and its incorporation by reference in the *Code of Federal Regulations*.

**DATES:** This final rule is effective on March 16, 2015. The incorporation by reference of the DMM is approved by the Director of the Federal Register as of March 16, 2015.

**FOR FURTHER INFORMATION CONTACT:** Lizbeth Dobbins (202) 268-3789.

**SUPPLEMENTARY INFORMATION:** The most recent issue of the *Domestic Mail Manual* (DMM) is dated January 25, 2015. This issue of the DMM contains all Postal Service domestic mailing standards, and continues to: (1) Increase the user's ability to find information; (2) increase confidence that users have found all the information they need; and (3) reduce the need to consult multiple chapters of the Manual to locate necessary information. The issue dated January 25, 2015, sets forth specific changes, including new standards throughout the DMM to support the standards and mail preparation changes implemented since the version issued on June 24, 2012.

Changes to mailing standards will continue to be published through **Federal Register** notices and the *Postal Bulletin*, and will appear in the next online version available via the Postal Explorer® Web site at: <http://pe.usps.com>.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Incorporation by reference.

In view of the considerations discussed above, the Postal Service hereby amends 39 CFR part 111 as follows:

#### PART 111—GENERAL INFORMATION ON POSTAL SERVICE

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301-307; 18 U.S.C. 1692-1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. In § 111.3, amend paragraph (f) by revising the last entry in the table and adding a new entry at the end of the table to read as follows:

#### § 111.3 Amendment to the Mailing Standards of the United States Postal Service, Domestic Mail Manual.

\* \* \* \* \*

(f) \* \* \*

Transmittal letter for issue	Dated	Federal Register publication
* * *	* * *	* * *
DMM 300 .....	June 24, 2012 .....	77 FR 45246.
DMM .....	January 25, 2015 .....	[INSERT FR CITATION FOR THIS RULE].

#### § 111.4 [Amended]

■ 3. Amend § 111.4 by removing “June 24, 2012” and adding “March 16, 2015”.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015-05757 Filed 3-13-15; 8:45 am]

BILLING CODE 7710-12-P

## POSTAL SERVICE

### 39 CFR Part 20

#### International Mail Manual; Incorporation by Reference

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service announces the issuance of the *Mailing Standards of the United States Postal Service*, *International Mail Manual* (IMM®) dated January 26, 2015, updated with

*Postal Bulletin* revisions through January 8, 2015, and its incorporation by reference in the *Code of Federal Regulations*.

**DATES:** This final rule is effective on March 16, 2015. The incorporation by reference of the IMM is approved by the Director of the Federal Register as of March 16, 2015.

**FOR FURTHER INFORMATION CONTACT:** Lizbeth Dobbins, (202) 268-3789.

**SUPPLEMENTARY INFORMATION:** The *International Mail Manual* was issued on January 26, 2015, and was updated with *Postal Bulletin* revisions through January 8, 2015. It replaced all previous editions. The IMM continues to enable the Postal Service to fulfill its long-standing mission of providing affordable, universal mail service. It continues to: (1) Increase the user's ability to find information; (2) increase the user's confidence that they have

found the information they need; and (3) reduce the need to consult multiple sources to locate necessary information. The provisions throughout this issue support the standards and mail preparation changes implemented since the version of June 24, 2012. The *International Mail Manual* is available to the public on the Postal Explorer® Internet site at <http://pe.usps.com>.

#### List of Subjects in 39 CFR Part 20

Foreign relations, Incorporation by reference.

In view of the considerations discussed above, the Postal Service hereby amends 39 CFR part 20 as follows:

#### PART 20—INTERNATIONAL POSTAL SERVICE

■ 1. The authority citation for part 20 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Amend § 20.1 by revising paragraph (a) and, in paragraph (b), revising the table headings and adding a new entry at the end of the table to read as follows:

**§ 20.1 International Mail Manual; incorporation by reference.**

(a) Section 552(a) of title 5, U.S.C., relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register. In conformity with that provision and 39 U.S.C. 410(b)(1), and as provided in this part, the Postal Service hereby incorporates by reference its *Mailing Standards of the United States Postal Service, International Mail Manual* (IMM or International Mail Manual), issued January 26, 2015. The Director of the **Federal Register** approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(b) \* \* \*

International Mail Manual	Date of issuance
* * *	* * *
IMM .....	January 26, 2015.

■ 3. Revise § 20.2 to read as follows:

**§ 20.2 Effective date of the International Mail Manual.**

The provisions of the *International Mail Manual* issued January 26, 2015, are applicable with respect to the international mail services of the Postal Service.

**Stanley F. Mires,**

*Attorney, Federal Requirements.*

[FR Doc. 2015–05760 Filed 3–13–15; 8:45 am]

**BILLING CODE 7710–12–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R05–OAR–2013–0780; FRL–9924–22–Region 5]

**Approval and Promulgation of Air Quality Implementation Plans; Indiana; Minor NSR for Title V and FESOP Sources**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to Indiana's minor new source review (NSR) construction permit rule. The rule applies to construction of new units or modifications of existing units at sources subject to title V and Federally enforceable state operating permit requirements. This rule replaces the previous state implementation plan (SIP) minor source construction permit rule for Indiana.

**DATES:** This final rule is effective on April 15, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2013–0780. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886–3189 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, [portanova.sam@epa.gov](mailto:portanova.sam@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean

EPA. This supplementary information section is arranged as follows:

- I. What is being addressed in this document?
- II. What comments did EPA receive?
- III. Technical Corrections to the State Rule
- IV. What action is EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

**I. What is being addressed in this document?**

On November 7, 2013, the Indiana Department of Environmental Management (IDEM) submitted a SIP revision request to EPA for minor NSR construction permit rules. EPA last approved Indiana's minor construction permit rule (326 IAC 2–1) on October 7, 1994 (59 FR 51108). In this action, EPA is approving amendments to 326 IAC 2–7–10.5(a), (c) through (j), (l), and (m), and to 326 IAC 2–8–11.1 as revisions to Indiana's SIP. These provisions do not apply to permitting actions that trigger major prevention of significant deterioration (PSD) or nonattainment NSR requirements. 326 IAC 2–7–10.5 and 326 IAC 2–8–11.1 replace 326 IAC 2–1, which has been repealed in the state rules, as the minor NSR construction permit rules in the Indiana SIP. EPA proposed approval of these rules on January 5, 2015 (80 FR 201). EPA previously approved 326 IAC 2–7–10.5(b) and (k) on January 17, 2014 (79 FR 3120).

**II. What comments did EPA receive?**

The public comment period on the proposed approval of Indiana's SIP revision ended on February 4, 2015. EPA did not receive any comments on the proposed approval of this SIP revision.

**III. Technical Corrections to the State Rule**

On January 26, 2015, IDEM submitted revisions to 326 IAC 2–7–10.5(f)(2)(C) and 326 IAC 2–8–11.1(d)(4) that contained typographical corrections to the original rules. These corrections were published in the Indiana Register on December 25, 2013, and were effective January 11, 2014. The revision to 326 IAC 2–7–10.5(f)(2)(C) corrects grammatical errors and the revision to 326 IAC 2–8–11.1(d)(4) corrects a citation error. The revisions do not affect the requirements or substance of this rule.

**IV. What action is EPA taking?**

EPA is approving Indiana's minor source construction permit rule in 326 IAC 2–7–10.5(a), (c) through (j), (l), and (m), and 326 IAC 2–8–11.1. EPA has determined that the emission thresholds and permitting requirements discussed

above satisfy the requirements of 40 CFR 51.160 and 51.161. EPA is not taking action on 326 IAC 2–7–10.5(b) and (k) because these portions of the state's rule have already been approved into Indiana's SIP.

#### V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Indiana Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

#### VI. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 27, 2015.

**Susan Hedman,**

*Regional Administrator, Region 5.*

40 CFR part 52 is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

- 2. In § 52.770 the table in paragraph (c) is amended by:

- a. Revising the entry in “Article 2. Permit Review Rules”, “Rule 7. Part 70 Permit Program” for 2–7–10.5 “Part 70 permits; source modifications”; and
- b. Revising the entry in “Article 2. Permit Review Rules”, “Rule 8. Federally Enforceable State Operating Permit Program” for 2–8–11.1 “Permit revisions”.

The revisions read as follows:

#### § 52.770 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
<b>Article 2. Permit Review Rules</b>				

## EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
<b>Rule 7. Part 70 Permit Program</b>				
2–7–10.5 .....	Part 70 permits; source modifications.	10/26/2013	3/16/2015 [insert <b>Federal Register</b> citation].	Indiana made typographical corrections to (f)(2)(C) on 1/11/2014.
<b>Rule 8. Federally Enforceable State Operating Permit Program</b>				
2–8–11.1 .....	Permit revisions .....	10/26/2013	3/16/2015 [insert <b>Federal Register</b> citation].	Indiana made typographical corrections to (d)(4) on 1/11/2014.
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2015–05838 Filed 3–13–15; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA–R09–OAR–2014–0851; FRL–9923–07–Region 9]****Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Sacramento Metropolitan Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Sacramento Metropolitan Air Quality Management District (SMAQMD) and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from residential wood burning and particulate matter air pollution control devices. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**DATES:** This rule is effective on May 15, 2015 without further notice, unless EPA receives adverse comments by April 15, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public

that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2014–0851, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* Generally, documents in the docket for this action are available

electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:**

Christine Vineyard, EPA Region IX, (415) 947–4125, [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” refer to EPA.

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- I. The State’s Submittal
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  - A. How is EPA evaluating the rules?
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**I. The State’s Submittal****A. What rules did the State submit?**

Table 1 lists the rules we are approving with the dates that they were amended by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Submitted
SMAQMD .....	421	Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning (except section 402).	09/24/09	09/21/12
SCAQMD .....	1155	Particulate Matter (PM) Control Devices .....	05/02/14	07/25/14

On October 11, 2012 and September 11, 2014, EPA determined that the submittal for SMAQMD Rule 421 and SCAQMD Rule 1155, respectively, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of these rules?*

There are no previous versions of SMAQMD Rule 421 and SCAQMD 1155 in the SIP, although the SCAQMD adopted an earlier version of Rule 1155 on December 4, 2009, and CARB submitted it to us on August 25, 2010. While we can act on only the most recently submitted version, we have reviewed materials provided with the previous submittal.

*C. What is the purpose of the submitted rules?*

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions. SMAQMD Rule 421 reduces emissions of particulate matter by restricting operation of wood burning appliances on days when the particulate matter concentration is forecast to exceed ambient air quality standards. SCAQMD Rule 1155 establishes minimum performance and maintenance requirements for permitted particulate matter (PM) air pollution control devices. EPA's technical support documents (TSD) have more information about these rules.

## II. EPA's Evaluation and Action

*A. How is EPA evaluating the rules?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). In addition, SMAQMD and SCAQMD regulate PM<sub>2.5</sub> nonattainment areas (see 40 CFR 81.305), so the Reasonably Available Control Measure (RACM) requirement (see CAA section 189(a)(1)) applies to these areas.

Guidance and policy documents that we use to evaluate enforceability and

RACM requirements consistently include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (revised January 11, 1990) (the Bluebook).

2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

3. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

4. "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 41998 (August 16, 1994).

5. "PM-10 Guideline Document," EPA 452/R-93-008, April 1993.

*B. Do the rules meet the evaluation criteria?*

We believe SMAQMD Rule 421 (except section 402) and the Financial Hardship Exemption Decision Tree outlining the criteria for granting waivers submitted as non-regulatory supplemental material, and SCAQMD Rule 1155 are consistent with the relevant policy and guidance regarding enforceability, RACM, and SIP relaxations. The TSDs have more information on our evaluation.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by April 15, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not

receive timely adverse comments, the direct final approval will be effective without further notice on May 15, 2015. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);



- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule

and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 23, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(423) (i)(B)(2) and (ii) and (c)(447)(i)(C) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(423) \* \* \*

(i) \* \* \*

(B) \* \* \*

(2) Rule 421, "Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning (except section 402)," amended on September 24, 2009.

(ii) Additional Material.

(A) Sacramento Metropolitan Air Quality Management District.

(1) Rule 421, "Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning," Financial Hardship Exemption Decision Tree, dated December 12, 2007.

\* \* \* \* \*

(447) \* \* \*

(i) \* \* \*

(C) South Coast Air Quality Management District.

(1) Rule 1155, "Particulate Matter (PM) Control Devices," amended on May 2, 2014.

\* \* \* \* \*

[FR Doc. 2015-05807 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 21

[Docket No. FWS-R9-MB-2012-0098; FF09M21200-134-FXMB1231099BPP0]

RIN 1018-AZ19

#### Migratory Bird Hunting and Permits; Regulations for Managing Harvest of Light Goose Populations

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We reduce the information collection requirements for participants in the light goose conservation order, which authorizes methods of take to increase harvest of certain populations of light geese in the Atlantic, Central, Mississippi, and Pacific Flyways, and to reduce the burden on State and tribal wildlife agencies that are required to submit annual light goose harvest reports to us. This action will eliminate reporting requirements that we believe to be unnecessary and will relieve requirements on individuals, States, and tribes.

**DATES:** This regulation change will be effective on April 15, 2015.

**ADDRESSES:** *Document Availability:* You may obtain a copy of the final environmental impact statement (EIS) on this management issue from our Web site at: <http://www.fws.gov/migratorybirds/currentbirdissues/management/snowgse/tblcont.html>, or by requesting one from the Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Mail Stop MB, Falls Church, VA 22041-3830.

**FOR FURTHER INFORMATION CONTACT:** James Kelley at 612-713-5409.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the Migratory Bird Treaty Act (MBTA), the U.S. Fish and Wildlife Service (Service) has the primary Federal responsibility for managing migratory birds. We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR).

In 1999, we established a conservation order at 50 CFR 21.60 to increase harvest of light geese and authorize new methods of take (64 FR 7517, February 16, 1999). We took this action because several populations of light geese were exceeding the carrying capacity of their breeding or migration

habitats in the Central and Mississippi Flyways. A conservation order is a special management action that is needed to control certain wildlife populations when traditional management programs are unsuccessful in preventing overabundance of the population. We prepared an environmental impact statement (EIS) and record of decision to revise the regulations for the conservation order to include the Atlantic and Pacific Flyways (73 FR 65926, November 5, 2008).

The regulations include information collection and reporting requirements. Individuals participating in the order must provide information to State or Tribal wildlife agencies, and these agencies are required to submit annual light goose harvest reports to the Service. We have used this information to assess the effectiveness of light goose population control methods and strategies and to determine whether or not additional population control methods were needed. However, we now believe that sufficient information has been collected for these purposes since 2000, so on February 18, 2014, we published a proposed rule to change the information collection requirements of the conservation order (79 FR 9152–9156). We proposed to simplify but not eliminate all of these requirements, thus reducing the burden on individuals participating in the conservation order and on State and Tribal wildlife agencies.

#### Comments on the Proposed Rule

We received 10 comments on the proposed rule. Some commenters supported the proposed changes to the information collection requirements; others stated that the Service should not reduce or eliminate these requirements. Some commenters stated that sufficient information has been collected since 2000 to allow evaluation of the effectiveness of take methods for harvesting light geese and that the reduction in reporting requirements will reduce paperwork and respondent burdens. Some commenters provided comments outside the scope of the proposed rule, which sought input only on the information collection, and not on the control of light geese. Below we provide excerpts from some of these comments and our responses.

*Comment:* “I object to the government’s attempts to waste our tax dollars on the pointless, unnecessary, unjustified and brutal killing of light goose populations. There is no study or scientific/biologic data that supports this plan. All goose populations can be managed and limited using humane and

non-lethal methods. That is the only kind of management plan I support.

Furthermore, your goal to eliminate information collection & reporting requirements that you believe to be unnecessary is nothing more than an attempt to absolve yourselves of responsibility and remove all records of accountability so that you can continue to get away with unchecked killing and misuse of taxpayer funds whenever and wherever you want.”

*Response:* We documented the need for the control of light geese in our 2007 EIS. The effort was endorsed by national wildlife conservation organizations as a way to try to protect habitat for many migratory bird species in the Arctic.

We are not spending taxpayer dollars on this control, except to collect information about the harvest. Nor are we choosing the “convenience” of controlling light goose populations. As noted in our 2007 EIS, the burgeoning light goose population has seriously harmed nesting habitats in the Arctic for other migratory bird species.

We are not eliminating information collection. As we explained in the proposed rule, we are reducing the burden on States and tribes by not requiring collection and reporting of information not needed to assess the harvest of light geese.

*Comment:* “Limiting information requirements and eliminating information collection on the issue of killing our wildlife is deeply undemocratic (for people) and cruel (for populations targeted.)”

*Response:* We are not eliminating information collection; we are revising the collection so that we collect only needed information. It is the Service’s job to address population issues such as the huge growth in the light goose population that continues to cause destruction of habitat in the Arctic for many other migratory bird species. We also try to minimize the information collection burden for other partners (such as States and Tribes) in wildlife management and for the public.

*Comment:* “I am for the update in regulations for managing the harvest of light goose. The information that was needed before to see if [sic] out if the proposed methods of population control of light geese is no longer needed. It has been proven that their [sic] has been a 26.7% increase in the harvest of light geese after the regular season using electronic calls and a 13.1% increase using unplugged shotguns in the Mississippi and Central flyways between 2000 and 2011. For example, “the number of light geese taken with the aid of an electronic call.” This requirement for data entry is no longer

necessary because it has been proven that using electronic calls is a useful method of conservation over a term of eleven years. Majority of the data that was required to be recorded by the states that participated in the conservation order is no longer needed because enough data has been recorded to prove that using unplugged shotguns and electronic calls is a useful method on conservation.”

*Comment:* “I am against the proposed rule of Migratory Bird Hunting and Permits: Regulations for Managing Harvest of Light Goose Populations. The managing of the light goose population is necessary because we need to know how many there are and how many are killed each year. Letting hunters killing more of the light goose isn’t a bad idea since there are not in danger of going extinct. The numbers show that they are fine . . . They still need to keep track of the numbers that are harvested that year to get an idea of how much are being harvested. Since the “Various populations of light geese have undergone rapid growth during the past 30 years, and have become seriously injurious to their habitat, habitat important to other migratory birds, and agricultural interests,” it is better to get the numbers lower than they are.”

*Comment:* “The purpose of this rule is to eliminate information that is no longer needed to be collected due to the amount that has been received. The information they have now gives a [sic] accurate data layout for future knowledge and so the unnecessary data gather [sic] should be dropped to save time and money for state and tribal agencies. I think this would be a [sic] efficient cutback since the information is no longer needed to be collected. The data that would be eliminated would not hinder the overall analysis of light goose [sic] taken. Numbers of light goose populations will still be collected and recorded with accurate read outs on their population. The information that hunters would have to submit would be lessened and make it easier on them. This rule would overall make a great cutback on taxes and time spent filling out paperwork that is no longer needed.”

*Comment:* “The Central Flyway Council . . . supports the proposal to reduce the information collection requirements for participants in the light goose conservation order, which authorizes methods of take to increase harvest of certain populations of light geese in the Atlantic, Central, and Mississippi Flyways, and to reduce the burden on State and tribal wildlife agencies that are required to submit annual light goose harvest reports to the

Service. There is sufficient information collected since 2000 to allow evaluation [of] the effectiveness of these methods of take for harvesting light geese. The reduction in reporting requirement[s] will reduce paperwork and respondent burdens.”

*Response to these comments.* No response necessary.

#### Required Determinations

##### *Regulatory Planning and Review—Executive Order 12866 and 13563*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. Executive Order 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We developed this rule in a manner consistent with these requirements.

##### *Regulatory Flexibility Act (5 U.S.C. 601 et seq.)*

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small businesses,

small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. This regulation change will not have a significant economic impact on a substantial number of small entities, so a regulatory flexibility analysis is not required.

This rule will reduce the information collection requirements for participants in the light goose conservation order and reduce the burden on State and tribal wildlife agencies that are required to submit annual light goose harvest reports to us. It will have no impact on economic activities already associated with the light goose conservation order itself and, therefore, will not have an economic effect on any small entities.

This is not a major rule under the SBREFA (5 U.S.C. 804(2)). It will not have a significant impact on a substantial number of small entities.

a. This rule will not have an annual effect on the economy of \$100 million or more.

b. This rule will not cause an increase in costs or prices for consumers, individual industries, Federal, State, Tribal, or local government agencies, or geographic regions.

c. This rule will not have effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

##### *Unfunded Mandates Reform Act*

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule will not affect small governments. A small government agency plan is not required.

b. This rule will not produce a Federal mandate. It is not a significant regulatory action.

##### *Takings*

This rule does not contain a provision for taking of private property. In accordance with Executive Order 12630, a takings implication assessment is not required.

##### *Federalism*

This rule does not have sufficient Federalism effects to warrant preparation of a federalism impact summary statement under Executive Order 13132. It will not interfere with any State’s ability to manage itself or its funds. No economic impacts will result from the regulations change.

##### *Civil Justice Reform*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

##### *Paperwork Reduction Act of 1995*

This rule contains a collection of information that OMB has approved under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

*OMB Control Number:* 1018–0103.

*Expiration Date:* 3/31/2018.

*Title:* Conservation Order for Light Geese, 50 CFR 21.60.

*Service Form Number(s):* None.

*Type of Request:* Revision of a currently approved collection.

*Description of Respondents:* State and tribal governments; individuals who participate in the conservation order.

*Respondent’s Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually.

Activity/requirement	Annual number of respondents	Total annual responses	Completion time per response	Total annual burden hours
States—collect information, maintain records, prepare annual report.	39	39	45 hours .....	1,755
Participants—provide information to States ...	21,538	21,538	8 minutes .....	2,872
Total .....	21,577	21,577	.....	4,627

*Estimated Annual Nonhour Burden Cost:* \$78,000, primarily for State and

tribal overhead costs (materials, printing, postage, etc.).

We expect a maximum of 39 States and tribes to participate under the authority of the conservation order each

year it is available. States and tribes must keep records of activities carried out under the authority of the conservation order. We believe that this recordkeeping requirement is necessary to ensure that those individuals carrying out control activities are authorized to do so. The States and tribes must submit an annual report summarizing the activities conducted under the conservation order. Reported information helps us to assess the effectiveness of light geese population control methods and strategies, and assess whether or not additional population control methods are needed. However, we believe that the number of elements in the information collection requirement can be reduced while maintaining a core of elements that allow us to monitor the number of participants in the conservation order and resulting harvest of birds. We have revised 50 CFR 21.60(f)(8) to require that information be collected only on the number of:

- Persons participating in the conservation order;
- Days people participated in the conservation order;
- Light geese shot and retrieved under the conservation order; and
- Light geese shot but not retrieved.

Each State and tribe determines how they collect data from participants. Though there is no common form or method, the States and tribes have shared their forms and there is commonality. Some States require participants to obtain a permit to participate in the conservation order; others do not. Post-harvest survey questions and questionnaire delivery methods differ among States and tribes. States measure harvest and hunter activity through the use of mail questionnaires, phone surveys, hunter diaries, online data entry, and so forth. Differences also exist within similar survey types, such as the proportion of participants surveyed and the type and number of followup contacts.

During the proposed rule stage, we solicited comments on the new information collection requirements. We received several comments that addressed information collection. Most conflated the information collection and control of overabundant light geese. We did not change our requirements based on these comments. Several of the comments only noted that we proposed to change the information collection. We have addressed all comments in the preamble above.

The public may comment at any time on the accuracy of the information collection burden in this rule and may submit any comments to the Information Collection Clearance

Officer, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street NW., (Mailstop BPHC), Washington, DC 20240.

#### *National Environmental Policy Act*

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432–437(f) and Part 516 of the U.S. Department of the Interior Manual (516 DM). The regulations change would simply remove unused regulations, and is administrative in nature. The action is categorically excluded from further NEPA consideration by 43 CFR 46.210(i).

*Socioeconomic.* The regulations change would have no discernible socioeconomic impacts.

*Migratory bird populations.* The regulations change would not affect native migratory bird populations.

*Endangered and Threatened Species.* The regulation change would not affect endangered or threatened species or habitats important to them.

#### *Endangered Species Act*

Section 7(a)(2) of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531–1543; 87 Stat. 884) provides that “Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. . . .” We previously completed section 7 consultation under the ESA for the rule that authorized the light goose regulations (73 FR 65926, November 5, 2008). This rule will only affect information collection and reporting requirements, so a section 7 consultation is not needed.

#### *Energy Effects—Executive Order 13211*

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under Executive Order 13211, and will not adversely affect energy supplies, distribution, or use. This action is not a significant energy action, so no Statement of Energy Effects is required.

#### *Government-to-Government Relationship With Tribes*

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations With Native American Tribal Governments” (59 FR 22951), Executive Order 13175, and 512 DM 2, we have

determined that this rule has very little effect on federally recognized Indian tribes because few participate in the order.

#### **List of Subjects in 50 CFR Part 21**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

#### **Regulation Promulgation**

For the reasons stated in the preamble, we hereby amend part 21, of subchapter B, chapter I, title 50 of the Code of Federal Regulations, as set forth below:

#### **PART 21—[AMENDED]**

- 1. The authority citation for part 21 continues to read as follows:

**Authority:** 16 U.S.C. 703–712.

- 2. Amend § 21.60 by revising paragraph (f)(8) to read as follows:

#### **§ 21.60 Conservation order for light geese.**

\* \* \* \* \*

(f) \* \* \*

(8) States and tribes must keep annual records of activities carried out under the authority of the conservation order. Specifically, information must be collected on:

- (i) The number of persons participating in the conservation order;
- (ii) The number of days people participated in the conservation order;
- (iii) The number of light geese shot and retrieved under the conservation order; and
- (iv) The number of light geese shot but not retrieved.

\* \* \* \* \*

Dated: February 2, 2015.

**Michael J. Bean,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2015–05977 Filed 3–13–15; 8:45 am]

**BILLING CODE 4310–55–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 679**

**[Docket No. 140918791–4999–02]**

**RIN 0648–XD823**

### **Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Western Regulatory Area of the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2015 Pacific cod total allowable catch apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), March 11, 2015, through 1200 hours, A.l.t., June 10, 2015.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2015 Pacific cod total allowable catch (TAC) apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA is 7,242 metric tons (mt), as established by the final 2015 and 2016 harvest specifications for groundfish of the GOA (80 FR 10250, February 25, 2015).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2015 Pacific cod TAC apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,942 mt and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 10, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2015.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2015-05912 Filed 3-11-15; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 80, No. 50

Monday, March 16, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 985

[Doc. No. AMS-FV-14-0096; FV15-985-1 PR]

#### Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2015–2016 Marketing Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would implement a recommendation from the Spearmint Oil Administrative Committee (Committee) to establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle on behalf of, producers during the 2015–2016 marketing year, which begins on June 1, 2015. The Far West includes the states of Washington, Idaho, and Oregon, and designated parts of Nevada and Utah. This rule invites comments on the establishment of salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 1,265,853 pounds and 60 percent, respectively, and for Class 3 (Native) spearmint oil of 1,341,269 pounds and 56 percent, respectively. The Committee locally administers the marketing order for spearmint oil produced in the Far West and recommended these quantities to help maintain stability in the spearmint oil market.

**DATES:** Comments must be received by March 31, 2015.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or

Internet: <http://www.regulations.gov>. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: [Barry.Broadbent@ams.usda.gov](mailto:Barry.Broadbent@ams.usda.gov) or [GaryD.Olson@ams.usda.gov](mailto:GaryD.Olson@ams.usda.gov).

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: [Jeffrey.Smutny@ams.usda.gov](mailto:Jeffrey.Smutny@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This proposal is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the “order.” The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13175, and 13563.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. Under the order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish the quantity of spearmint oil produced in

the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2015–2016 marketing year, which begins on June 1, 2015.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Committee meets annually in the fall to adopt a marketing policy for the ensuing marketing year or years. In determining such marketing policy, the Committee considers a number of factors, including, but not limited to, the current and projected supply, estimated future demand, production costs, and producer prices for all classes of spearmint oil. Input from spearmint oil handlers and producers regarding prospective marketing conditions for the upcoming year is considered as well. If the Committee’s marketing policy considerations indicate a need for limiting the quantity of any or all classes of spearmint oil marketed, the Committee subsequently recommends to USDA the establishment of a salable quantity and allotment percentage for such class or classes of oil for the forthcoming marketing year. Recommendations for volume control are intended to ensure that market requirements for Far West spearmint oil are satisfied and orderly marketing conditions are maintained.

The salable quantity represents the total amount of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during the marketing year. The allotment percentage is the percentage used to calculate each producer’s prorated share of the salable quantity. It is derived by

dividing the salable quantity for each class of spearmint oil by the total of all producers' allotment bases for the same class of oil. Each producer's annual allotment of salable spearmint oil is calculated by multiplying their respective total allotment base by the allotment percentage for each class of spearmint oil. A producer's allotment base is their quantified share of the spearmint oil market based on a statistical representation of past spearmint oil production, with accommodation for reasonable and normal adjustments to such base as prescribed by the Committee and approved by USDA.

Salable quantities and allotment percentages are established at levels intended to fulfill market requirements and to maintain orderly marketing conditions. Committee recommendations for volume controls are made well in advance of the period in which the regulations are to be effective, thereby allowing producers the chance to adjust their production decisions accordingly.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the full eight-member Committee met on November 5, 2014, and recommended salable quantities and allotment percentages for both classes of oil for the 2015–2016 marketing year. The Committee unanimously recommended the establishment of a salable quantity and allotment percentage for Class 1 (Scotch) spearmint oil of 1,265,853 pounds and 60 percent, respectively. The Committee, also with a unanimous vote, recommended the establishment of a salable quantity and allotment percentage for Class 3 (Native) spearmint oil of 1,341,269 pounds and 56 percent, respectively.

This action would set the amount of Scotch and Native spearmint oil that handlers may purchase from, or handle on behalf of, producers during the 2015–2016 marketing year, which begins on June 1, 2015. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

#### **Class 1 (Scotch) Spearmint Oil**

As noted above, the Committee unanimously recommended a salable quantity of Scotch spearmint oil of 1,265,853 pounds and an allotment percentage of 60 percent for the upcoming 2015–2016 marketing year. The Committee utilized 2015–2016 sales estimates for Scotch spearmint oil, as provided by several of the industry's handlers, as well as historical and current Scotch spearmint oil production

and inventory statistics, to arrive at these recommendations.

Trade demand for Far West Scotch spearmint oil is expected to rise from 1,092,726 pounds in the 2014–2015 marketing year to 1,100,000 pounds in 2015–2016. Industry reports indicate that the increased trade demand estimate is the result of increased consumer demand for mint flavored products and low end-user inventories that need to be replenished. Information gathered from spearmint oil handlers supports this conclusion.

Production of Far West Scotch spearmint oil increased from 1,057,377 pounds in 2013 to 1,093,740 pounds in 2014. Committee members attribute the increase in production to both the low level of reserves and growing demand. Given that these factors are expected to continue in the coming 2015–2016 year, the Committee expects production to increase to as much as 1,300,000 pounds for the forthcoming marketing year.

The Committee also estimates that there will be zero carry-in of Scotch spearmint oil on June 1, 2015, the beginning of the 2015–2016 marketing year. This figure, which is the primary measure of excess supply, is down from 7,064 carried-in the previous year. This level of carry-in is below the minimum carry-in quantity that the Committee considers favorable. The demand for Scotch spearmint oil during the remainder of the 2014–2015 marketing year is expected to equal or exceed the remaining total supply, which will likely cause the zero carry-in.

The 2015–2016 salable quantity of 1,265,853 pounds recommended by the Committee represents an increase of 173,127 pounds over the total supply available during the previous marketing year. Total supply for 2014–2015 amounted to 1,092,726 pounds (7,064 carry-in, 989,643 pounds produced, and 96,019 pounds released from the reserve).

The Committee estimates 2015–2016 demand for Scotch spearmint oil at 1,100,000 pounds. When considered in conjunction with the forecast that there will be zero available carry-in of Scotch spearmint oil on June 1, 2015, the recommended salable quantity of 1,265,853 pounds would satisfy market demand and yield a carry-in of 165,853 pounds available at the beginning of 2016–2017 marketing year.

The Committee's stated intent in the use of marketing order volume control regulations for Scotch spearmint oil is to keep adequate supplies available to meet market needs and maintain orderly marketing conditions. The salable quantity recommended for the

upcoming marketing year is more than the salable quantity initially set for the previous year of 1,149,030. The Committee believes that the recommended salable quantity would adequately meet demand, as well as result in a larger carry-in for the following year. With that in mind, the Committee developed its recommendation for the proposed Scotch spearmint oil salable quantity and allotment percentage for the 2015–2016 marketing year based on the information discussed above, as well as the data outlined below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2015—0 pounds.* This figure is the difference between the revised 2014–2015 marketing year total available supply of 1,092,726 pounds and the estimated 2014–2015 marketing year trade demand of 1,092,726 pounds.

(B) *Estimated trade demand of Scotch spearmint oil for the 2015–2016 marketing year—1,100,000 pounds.* This figure is based on input from producers at five Scotch spearmint oil production area meetings held in late September and early October 2014, as well as estimates provided by handlers and other meeting participants at the November 5, 2014, meeting. The average estimated trade demand derived from the five production area meetings was 1,192,400 pounds, which is 42,400 pounds more than the average of trade demand estimates submitted by handlers. Far West Scotch spearmint oil sales have averaged 979,520 pounds per year over the last three years. Given this information, the Committee decided it was prudent to anticipate the trade demand at 1,100,000 pounds. Should the initially established volume control levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases as needed.

(C) *Salable quantity of Scotch spearmint oil required from the 2015–2016 marketing year production—1,100,000 pounds.* This figure is the difference between the estimated 2015–2016 marketing year trade demand (1,100,000 pounds) and the estimated carry-in on June 1, 2015 (0 pounds). This figure represents the minimum salable quantity that may be needed to satisfy estimated demand for the coming year with no carryover.

(D) *Total estimated allotment base of Scotch spearmint oil for the 2015–2016 marketing year—2,109,755 pounds.* This figure represents a one-percent increase over the revised 2014–2015 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost because of the



bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) *Computed Scotch spearmint oil 2015–2016 marketing year allotment percentage—52.1 percent.* This percentage is computed by dividing the minimum required salable quantity (1,100,000 pounds) by the total estimated allotment base (2,109,755 pounds).

(F) *Recommended Scotch spearmint oil 2015–2016 marketing year allotment percentage—60 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (52.1 percent), the average of the computed allotment percentage figures from the five production area meetings (56.5 percent), and input from producers and handlers at the November 5, 2014, meeting. The recommended 60 percent allotment percentage is also based on the Committee's belief that the computed percentage (52.1 percent) may not adequately supply the potential 2015–2016 Scotch spearmint oil market.

(G) *Recommended Scotch spearmint oil 2015–2016 marketing year salable quantity—1,265,853 pounds.* This figure is the product of the recommended allotment percentage (60 percent) and the total estimated allotment base (2,109,755 pounds).

(H) *Estimated total available supply of Scotch spearmint oil for the 2015–2016 marketing year—1,265,853 pounds.* This figure is the sum of the 2015–2016 recommended salable quantity (1,265,853 pounds) and the estimated carry-in on June 1, 2015 (0 pounds).

### Class 3 (Native) Spearmint Oil

At the November 5, 2014, meeting, the Committee also recommended a 2015–2016 Native spearmint oil salable quantity of 1,341,269 pounds and an allotment percentage of 56 percent. The Committee utilized Native spearmint oil sales estimates for 2015–2016 marketing year, as provided by several of the industry's handlers, as well as historical and current Native spearmint oil market statistics to establish these thresholds. The recommended volume control levels represent an increase of 250,448 pounds and 10 percentage points over the previous year's initially established salable quantity and allotment percentage.

The Committee also estimates that there will be 512,745 pounds of Native spearmint oil in the reserve pool on June 1, 2015. This figure, which is the oil held in reserve by producers, is down from an industry peak of 606,942 pounds in 2011. Reserve levels of Native

spearmint oil are nearing the level that the Committee believes is optimal for the industry.

Committee statistics indicate that demand for Far West Native spearmint oil has been gradually increasing since 2009. Spearmint oil handlers, who previously projected the 2014–2015 trade demand for Far West Native spearmint oil to be in the range of 1,100,000 pounds to 1,400,000 pounds (with an average of 1,300,000 pounds), have projected trade demand for the 2015–2016 marketing period to be in the range of 1,290,000 pounds to 1,400,000 pounds (with an average of 1,347,500).

Given the above, the Committee estimates that approximately 1,300,000 pounds of Native spearmint oil may be sold during the 2015–2016 marketing year. When considered in conjunction with the estimated carry-in of 117,368 pounds of Native spearmint oil on June 1, 2015, the recommended salable quantity of 1,341,269 pounds results in an estimated total available supply of 1,458,637 pounds of Native spearmint oil during the 2015–2016 marketing year. Estimated carry-in of Native spearmint oil at the beginning of the 2016–2017 marketing year would be approximately 152,137 pounds. Carry-in spearmint oil is distinct from reserve pool spearmint oil and represents the amount of salable spearmint oil produced, but not marketed, in previous years and is available for sale in the current year. It is the primary measure of excess spearmint oil supply under the order. Reserve pool oil represents the amount of excess oil held by the Committee, on behalf of the producers, that is not currently available to the market.

The Committee's stated intent in the use of marketing order volume control regulations for Native spearmint oil is to keep adequate supplies available to meet market needs and maintain orderly marketing conditions. With that in mind, the Committee developed its recommendation for the proposed Native spearmint oil salable quantity and allotment percentage for the 2015–2016 marketing year based on the information discussed above, as well as the data outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2015—117,368 pounds.* This figure is the difference between the revised 2014–2015 marketing year total available supply of 1,458,368 pounds and the estimated 2014–2015 marketing year trade demand of 1,341,000 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2015–2016 marketing year—1,306,500 pounds.* This estimate is established by the

Committee and is based on input from producers at six Native spearmint oil production area meetings held in late September and early October 2014, as well as estimates provided by handlers and other meeting participants at the November 5, 2014, meeting. The average estimated trade demand provided at the six production area meetings was 1,330,167 pounds, whereas the handlers' estimates ranged from 1,250,000 pounds to 1,400,000 pounds, and averaged 1,356,750 pounds. The average of Far West Native spearmint oil sales over the last three years is 1,306,492 pounds.

(C) *Salable quantity of Native spearmint oil required from the 2015–2016 marketing year production—1,189,132 pounds.* This figure is the difference between the estimated 2015–2016 marketing year trade demand (1,306,500 pounds) and the estimated carry-in on June 1, 2015 (117,368 pounds). This is the minimum amount that the Committee believes would be required to meet the anticipated 2015–2016 Native spearmint oil trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2015–2016 marketing year—2,395,124 pounds.* This figure represents a one-percent increase over the revised 2014–2015 total allotment base. This figure is generally revised each year on June 1 due to producer base being lost due to the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) *Computed Native spearmint oil 2015–2016 marketing year allotment percentage—49.6 percent.* This percentage is computed by dividing the required salable quantity (1,189,132) by the total estimated allotment base (2,395,124 pounds).

(F) *Recommended Native spearmint oil 2015–2016 marketing year allotment percentage—56 percent.* This is the Committee's recommendation based on the computed allotment percentage (49.6 percent), the average of the computed allotment percentage figures from the six production area meetings (51.0 percent), and input from producers and handlers at the November 5, 2014, meeting. The recommended 56 percent allotment percentage is also based on the Committee's belief that the computed percentage (49.6 percent) may not adequately supply the potential 2015–2016 Native spearmint oil market.

(G) *Recommended Native spearmint oil 2015–2016 marketing year salable quantity—1,341,269 pounds.* This figure is the product of the recommended allotment percentage (56 percent) and



the total estimated allotment base (2,395,124 pounds).

(H) *Estimated available supply of Native spearmint oil for the 2015–2016 marketing year—1,458,637 pounds.* This figure is the sum of the 2015–2016 recommended salable quantity (1,341,269 pounds) and the estimated carry-in on June 1, 2015 (117,368 pounds).

The salable quantity is the total quantity of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 1,265,853 pounds and 60 percent, and 1,341,269 pounds and 56 percent, respectively, are based on the goal of maintaining market stability. The Committee anticipates that this goal would be achieved by matching the available supply of each class of Spearmint oil to the estimated demand of such, thus avoiding extreme fluctuations in inventories and prices.

The proposed salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity. The order contains a provision for intra-seasonal increases to allow the Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the 2015–2016 marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, up until December 1, 2015, producers may place excess spearmint oil production into the reserve pool to be released in the future in accordance with market needs.

This proposed regulation, if adopted, would be similar to regulations issued in prior seasons. The average initial allotment percentage for the five most recent marketing years for Scotch spearmint oil is 44.0 percent, while the average initial allotment percentage for the same five-year period for Native spearmint oil is 48.8 percent.

Costs to producers and handlers resulting from this rule are expected to be offset by the benefits derived from a stable market and increased returns. In conjunction with the issuance of this

proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2015–2016 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, fully meets the intent of § 985.50 of the order.

During its discussion of potential 2015–2016 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with USDA's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil that should be produced for the 2015–2016 season in order to meet anticipated market demand.

#### Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are eight spearmint oil handlers subject to regulation under the order, and approximately 37 producers of Scotch spearmint oil and approximately

91 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than \$7,000,000, and small agricultural producers are defined as those having annual receipts of less than \$750,000 (13 CFR 121.201).

Based on the SBA's definition of small entities, the Committee estimates that two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 11 of the 37 Scotch spearmint oil producers, and 25 of the 91 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil-producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for purposes of weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, a majority of spearmint oil-producing farms fall into the SBA category of large businesses.

Small spearmint oil producers generally are not as extensively diversified as larger ones and, as such, are more at risk from market fluctuations. Such small producers generally need to market their entire annual production of spearmint oil and are not financially able to hold spearmint oil for sale in future years. In addition, small producers generally do not have a large assortment of other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support the operation for a period of time. That being said being reasonably assured of

a stable price and market provides all producing entities with the ability to maintain proper cash flow and to meet annual expenses. The benefits for this rule are expected to be equally available to all producers and handlers regardless of their size.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle on behalf of, producers during the 2015–2016 marketing year. The Committee recommended this rule to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulations allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this action is provided in §§ 985.50, 985.51, and 985.52 of the order.

Instability in the spearmint oil sub-sector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season-to-season tend to be larger than fluctuations in the amount purchased by handlers. Historically, demand for spearmint oil tends to change slowly from year to year.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of spearmint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have virtually no impact on retail prices for those goods.

Spearmint oil production tends to be cyclical. Years of relatively high production, with demand remaining reasonably stable, have led to periods in which large producer stocks of unsold spearmint oil have depressed producer prices for a number of years. Shortages and high prices may follow in subsequent years, as producers respond to price signals by cutting back production.

The significant variability of the spearmint oil market is illustrated by the fact that the coefficient of variation (a standard measure of variability; “CV”) of Far West spearmint oil grower prices for the period 1980–2013 (when the marketing order was in effect) is 0.23, compared to 0.36 for the decade prior to the promulgation of the order (1970–79) and 0.49 for the prior 20-year

period (1960–79). This provides an indication of the price stabilizing impact of the marketing order.

Production in the shortest marketing year was about 47 percent of the 34-year average (1.92 million pounds from 1980 through 2013) and the largest crop was approximately 160 percent of the 34-year average. A key consequence is that, in years of oversupply and low prices, the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

The wide fluctuations in supply and prices that result from this cycle, which was even more pronounced before the creation of the order, can create liquidity problems for some producers. The order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of the increase in production costs. While prices have been relatively steady, the cost of production has increased to the extent that plans to plant spearmint may be postponed or changed indefinitely. Producers may also be enticed by the prices of alternative crops and their lower cost of production.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of oil that producers may sell during the marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds, for the applicable class of oil, which is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil of each applicable class that the producer can market.

By December 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on their annual allotment certificates. This excess oil is placed in a reserve pool administered by the Committee. A reserve pool is maintained for each class of oil that may not be sold during the current marketing year unless USDA approves a Committee recommendation to increase the salable quantity and allotment percentage for a class of oil

and make a portion of the pool available.

Limited quantities of excess oil may be sold by one producer to another producer to fill production deficiencies in a marketing year. A deficiency occurs when on-farm production is less than a producer's allotment. When a producer has a deficiency, the producer's own reserve oil can be utilized to fill that deficiency, or excess production (production of spearmint oil in excess of the producer's annual allotment) from another producer may also be secured to fill the deficiency. All of these provisions need to be exercised prior to December 1 of each year.

In any given year, the total available supply of spearmint oil is composed of current production plus salable carryover stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of salable spearmint oil to carry over into the subsequent marketing year. If the industry has production in excess of the salable quantity, then the reserve pool absorbs the surplus quantity of spearmint oil, which goes unsold during that year, unless the oil is needed for unanticipated sales.

Under its provisions, the order may attempt to stabilize prices by (1) limiting supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. Reserve pool stocks, which increase in high production years, are drawn down in years where the crop is short.

An econometric model was used to assess the impact that volume control has on the prices producers receive for their commodity. Without volume control, spearmint oil markets would likely be over-supplied. This could result in low producer prices and a large volume of oil stored and carried over to the next crop year. The model estimates how much lower producer prices would likely be in the absence of volume controls.

The Committee estimated trade demand for the 2015–2016 marketing year for both classes of oil at 2,406,500 pounds, and that the expected combined salable carry-in will be 117,368 pounds. This results in a combined required salable quantity of 2,289,132 pounds. With volume control, sales by producers for the 2015–2016 marketing year would be limited to 2,607,122 pounds (the recommended

salable quantity for both classes of spearmint oil).

The recommended allotment percentages, upon which 2015–2016 producer allotments are based, are 60 percent for Scotch and 56 percent for Native. Without volume controls, producers would not be limited to these allotment levels, and could produce and sell an unrestricted quantity of spearmint oil. The econometric model estimated a decline of about \$1.30 in the season average producer price per pound (from both classes of spearmint oil) resulting from the higher quantities that would be produced and marketed without volume control. The surplus situation for the spearmint oil market that would exist without volume controls in 2015–2016 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume control allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume control is believed to have little or no effect on consumer prices of products containing spearmint oil and would not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of recommending that there not be any volume regulation for both classes of spearmint oil because of the severe price-depressing effects that would occur without volume control. The Committee also considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended.

After computing the initial 52.1 percent Scotch spearmint oil allotment percentage, the Committee considered various alternative levels of volume control for Scotch spearmint oil. Even with the moderately optimistic marketing conditions, there was consensus from the Committee that the Scotch spearmint oil allotment percentage for 2015–2016 should be more than the percentage initially established for the 2014–2015 marketing year (55 percent). After considerable discussion, the eight-member committee unanimously determined that 1,265,853 pounds and 60 percent would be the most effective Scotch spearmint oil salable quantity and allotment percentage, respectively, for the 2015–2016 marketing year.

The Committee was also able to reach a consensus regarding the level of volume control for Native spearmint oil. After first determining the computed

allotment percentage at 49.6 percent, the Committee unanimously recommended 1,341,269 pounds and 56 percent for the effective Native spearmint oil salable quantity and allotment percentage, respectively, for the 2015–2016 marketing year.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages recommended would achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. The salable quantities and allotment percentages proposed herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2015–2016 and future marketing years.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would establish the salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil and Class 3 (Native) spearmint oil produced in the Far West

during the 2015–2016 marketing year. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 5, 2014, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide>. Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2015–2016 fiscal period begins on June 1, 2015, and a final determination on the salable quantities and allotment percentages should be made prior to handlers purchasing from, or handling on behalf of, producers of any oil for the ensuing marketing year; and (2) handlers are aware of this action, which was recommended by the Committee at a public meeting and is similar to other salable quantities and allotment percentages issued in past years.

#### List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

**PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST**

- 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

- 2. A new § 985.234 is added to read as follows:

**§ 985.234 Salable quantities and allotment percentages—2015–2016 marketing year.**

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2015, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 1,265,853 pounds and an allotment percentage of 60 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,341,269 pounds and an allotment percentage of 56 percent.

Dated: March 9, 2015.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2015–05681 Filed 3–13–15; 8:45 am]

**BILLING CODE 3410–02–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 176**

[Docket No. FDA–2015–F–0714]

**Natural Resources Defense Council et al.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of petition.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by the Natural Resources Defense Council, the Center for Food Safety, the Breast Cancer Fund, the Center for Environmental Health, Clean Water Action, the Center for Science in the Public Interest, Children’s Environmental Health Network, Environmental Working Group, and Improving Kids’ Environment, proposing that we amend our food additive regulation to no longer provide for the use of three specific perfluoroalkyl ethyl containing food-contact substances (FCSs) as oil and water repellants for paper and

paperboard for use in contact with aqueous and fatty foods.

**DATES:** The food additive petition was filed on January 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Paul Honigfort, Center for Food Safety and Applied Nutrition (HFS–275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1206.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 4B4809), submitted by the Natural Resources Defense Council, 1152 15th St. NW., Suite 300, Washington, DC 20005; the Center for Food Safety, 303 Sacramento St., Second Floor, San Francisco, CA 94111; Clean Water Action, 144 Eye St. NW., Suite 400, Washington, DC 20005; the Center for Science in the Public Interest, 1220 L St. NW., Suite 300, Washington, DC 20005; Children’s Environmental Health Network, 110 Maryland Ave. NE., Suite 402, Washington, DC 20002; the Breast Cancer Fund, 1388 Sutter St., Suite 400, San Francisco, CA 94109–5400; the Center for Environmental Health, 2201 Broadway, Suite 302, Oakland, CA, 94612; Environmental Working Group, 1436 U St. NW., Suite 100, Washington, DC 20009; and Improving Kids’ Environment, 1915 West 18th St., Indianapolis, IN 46202. The petition proposes that we amend § 176.170 (21 CFR 176.170) to no longer provide for the use of three perfluoroalkyl ethyl containing food-contact substances (FCSs) as oil and water repellants for paper and paperboard for use in contact with aqueous and fatty foods. The three FCSs which are the subjects of this petition are as follows:

1. Diethanolamine salts of mono- and bis (1*H*,1*H*,2*H*,2*H* perfluoroalkyl) phosphates where the alkyl group is even-numbered in the range C8–C18 and the salts have a fluorine content of 52.4 percent to 54.4 percent as determined on a solids basis;

2. Pentanoic acid, 4,4-bis [(*gamma-omega*-perfluoro-C8–20-alkyl)thio] derivatives, compounds with diethanolamine (CAS Reg. No. 71608–61–2); and

3. Perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[(*gamma*), (*omega*)-perfluoro C4–20 alkylthio] methyl]-1,3-propanediol, polyphosphoric acid and ammonium hydroxide.

**II. Amendment of § 176.170**

In accordance with procedures specified in § 171.130 (21 CFR 171.130) for amending or revoking a food additive regulation, the petition asks us to amend § 176.170 so that it would no longer provide for the use of three perfluoroalkyl ethyl containing FCSs as oil and water repellants for paper and paperboard for use in contact with aqueous and fatty foods. If we determine that new data are available regarding the toxicity of these FCSs that justify amending § 176.170 so that it would no longer allow their use, we will publish such an amendment of the regulation in the **Federal Register**, as set forth in § 171.130 and § 171.100 (21 CFR 171.100).

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05938 Filed 3–13–15; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 170, 177, and 189**

[Docket No. FDA–2015–F–0537]

**Natural Resources Defense Council et al.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of petition.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by the Natural Resources Defense Council, Center for Food Safety, Clean Water Action, Children’s Environmental Health Network, Center for Science in the Public Interest, Breast Cancer Fund, Center for Environmental Health, Environmental Working Group, and Improving Kids’ Environment, proposing that we amend our regulation to no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers, revoke the Threshold of Regulation exemption No. 2005–006 to no longer exempt the use of sodium

perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods, and issue a new regulation to prohibit the use of perchlorate in antistatic agents for use in food-contact articles. We are requesting comments on the petition and establishing a comment period of 60 days from the date of publication of this notice.

**DATES:** The food additive petition was filed on December 31, 2014. Submit either electronic or written comments by May 15, 2015.

**ADDRESSES:** You may submit comments by any of the following methods:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

#### *Written Submissions*

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

*Instructions:* All submissions received must include the Docket No. FDA-2015-F-0537 for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the “Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number(s), found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Paul Honigfort, Center for Food Safety and Applied Nutrition (HFS-275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1206.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 4B4808),

submitted by the Natural Resources Defense Council, 1152 15th St. NW., Suite 300, Washington, DC 20005; Center for Food Safety, 303 Sacramento St., Second Floor, San Francisco, CA, 94111; Clean Water Action, 1444 I St. NW., Suite 4000, Washington, DC 20005-6538; Children’s Environmental Health Network, 110 Maryland Ave. NE., Suite 402, Washington, DC 20002; Center for Science in the Public Interest, 1220 L St. NW., Suite 300, Washington, DC 20005; Breast Cancer Fund, 1388 Sutter St., Suite 400, San Francisco, CA 94109-5400; Center for Environmental Health, 2201 Broadway, Suite 302, Oakland, CA 94612; Environmental Working Group, 1436 U St. NW., Suite 100, Washington, DC 20009; and Improving Kids’ Environment, 1915 West 18th St., Indianapolis, IN 46202. The petition proposes that we: (1) Amend 21 CFR 177.1210 to no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers; (2) revoke the Threshold of Regulation (TOR) exemption No. 2005-006 to no longer exempt from regulation under the food additive provisions of the FD&C Act the use of sodium perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods; and (3) issue a new regulation in 21 CFR part 189, subpart D (Substances Prohibited from Indirect Addition to Human Food Through Food-Contact Surfaces) to prohibit the use of perchlorate in antistatic agents for use in food-contact articles.

Pursuant to § 189.1(c), we are requesting comments on the petition and establishing a comment period of 60 days from the date of publication of this notice.

##### **II. Amendment of 21 CFR 177.1210**

The petition asks us to amend § 177.1210 so that it would no longer provide for the use of potassium perchlorate as an additive in closure-sealing gaskets for food containers in accordance with procedures specified in 21 CFR 171.130 for amending or revoking a food additive regulation. Specifically, the petition notes that new perchlorate toxicity data are now available which support the requested amendment of § 177.1210. If we determine that new data are available regarding the toxicity of potassium perchlorate that justify amending § 177.1210 so that it would no longer allow the use of potassium perchlorate, we will publish such an amendment of the regulation in the **Federal Register**, as set forth in § 171.130 and § 171.100.

##### **III. Revocation of TOR Exemption No. 2005-006**

The petition asks us to revoke TOR exemption No. 2005-006 to no longer exempt from regulation under the food additive provisions of the FD&C Act the use of sodium perchlorate monohydrate as a conductivity enhancer in antistatic agents for use in finished articles in contact with dry foods. Specifically, the petition notes that new toxicity and exposure data on perchlorates are now available which support the requested revocation of TOR exemption No. 2005-006.

The procedures for revoking a TOR exemption are specified in § 170.39(g), which states that if we tentatively conclude that available information on the dietary concentration or safety of sodium perchlorate monohydrate no longer supports a TOR exemption from the food additive regulations, we will notify the persons who requested the exemption of our decision and will provide them with an opportunity to show why the exemption should not be revoked. If after following all of the other procedures required by § 170.39(g) we decide to revoke TOR exemption No. 2005-006, we will publish a notice to that effect in the **Federal Register**.

##### **IV. Issue of a New Regulation in 21 CFR 189 Subpart D**

The petition asks us to issue a new regulation in part 189, subpart D to prohibit the use of perchlorate in antistatic agents for use in food-contact articles. Specifically, the petition notes that new toxicity and exposure data on perchlorates are now available which support the issue of such a regulation.

The procedures for issuing a new regulation in part 189 are set forth in § 189.1. Section 189.1(a) states that “food ingredients” may be prohibited from uses in human food based on “a determination that [the food ingredients] present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in human food.” Section 189.1(c) requires FDA to publish the petition for comment if the petition contains reasonable grounds to that effect. Accordingly, we request comments on the petition with respect to the petitioners’ request for the issuance of a new regulation in part 189, subpart D to prohibit the use of perchlorate in antistatic agents for use in food-contact articles.

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an

environmental assessment nor an environmental impact statement is required.

## V. Comments

Interested persons may submit either electronic comments to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

Dated: March 9, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-05937 Filed 3-13-15; 8:45 am]

BILLING CODE 4164-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2014-0816; FRL-9924-37-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Consumer and Commercial Products, and Mobile Equipment Repair and Refinishing Operations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of amendments to Virginia's regulation for consumer and commercial products in order to apply provisions pertaining to portable fuel containers, consumer and commercial products, architectural and industrial maintenance coatings, adhesives, adhesive primers, sealants, and sealant primers to the Richmond volatile organic compound (VOC) Emissions Control Area. The revision also consists of amendments to Virginia's regulation for existing stationary sources to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before April 15, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0816 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email:* [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov)  
C. *Mail:* EPA-R03-OAR-2014-0816, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R03-OAR-2014-0816. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other

information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

#### FOR FURTHER INFORMATION CONTACT:

Leslie Jones Doherty, (215) 814-3409 or by email at [jones.leslie@epa.gov](mailto:jones.leslie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Background

On January 26, 2012 (77 FR 3928), EPA issued a final rulemaking notice (FRN) approving a new chapter, 9VAC5 Chapter 45—Consumer and Commercial Products, for inclusion in the Virginia SIP in order to control VOC emissions from various consumer and commercial products within the Northern Virginia and Fredericksburg VOC Emissions Control Areas.<sup>1</sup> On April 10, 2014, the Virginia Department of Environmental Quality (VADEQ) submitted a revision to the Virginia SIP. The SIP revision consists of amendments to 9VAC5 Chapter 45 in order to apply provisions pertaining to certain types of consumer and commercial products to the Richmond VOC Emissions Control Area.

On June 22, 2004 (69 FR 35253), EPA issued a direct final rulemaking approving a new article, Article 48 of 9VAC5 Chapter 40—Existing Stationary Sources, for inclusion in the Virginia SIP which established emissions standards for mobile equipment repair and refinishing operations in the Northern Virginia VOC Emissions Control Area. This SIP revision consists of amendments to Article 48 of 9VAC5 Chapter 40—Existing Stationary Sources to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area.

### II. Summary of SIP Revision

The SIP revision consists of amendments to 9VAC5 Chapter 45—Consumer and Commercial Products in order to apply provisions pertaining to portable fuel containers, consumer and commercial products, architectural and

<sup>1</sup> "VOC Emissions Control Area" in Virginia is defined by 9VAC5-20-206 as certain control areas by geographic location.

industrial maintenance coatings, adhesives, adhesive primers, sealants, and sealant primers to the Richmond VOC Emissions Control Area. This revision also amends Article 48 of 9VAC5 Chapter 40—Existing Stationary Sources to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area. Also, the SIP revision includes revised compliance dates for Chapters 40 and 45 and retains in Chapter 45 a temporary exemption for the manufacture and distribution of single-ply roof membrane adhesives and sealants.

9VAC5 Chapter 40, Article 48 extends the emissions standards for mobile equipment repair and refinishing operations to include the Richmond VOC Emissions Control Area. A compliance date of March 1, 2014 was established for the Richmond VOC Emissions Control Area under section 9VAC5–40–7050—Compliance schedules. In addition, Subsection C of 9VAC5–40–6970—Applicability and designation of affected facility has moved to a new section 9VAC5–40–6975—Exemptions which lists exemptions to Article 48.

9VAC5 Chapter 45, Article 1—Emissions Standards for Portable Fuel Containers and Spouts Manufactured before August 1, 2010 and Article 2—Emissions Standards for Portable Fuel Containers and Spouts Manufactured on or after August 1, 2010 were amended in order to make administrative changes for clarity, style and format. Article 2 was also amended to change the applicability and compliance schedules to include the Richmond VOC Emissions Control Area. August 1, 2010 was retained as a compliance date for the Northern Virginia and Fredericksburg VOC Emissions Control Areas and a compliance date of March 1, 2014 was added for the Richmond VOC Emissions Control Area.

9VAC5 Chapter 45, Article 3—Emission Standards for Consumer Products Manufactured before August 1, 2010 and Article 4—Emission Standards for Consumer Products Manufactured on or after August 1, 2010, were amended in order to make administrative changes for clarity, style and format. Article 4 was amended to apply provisions to the Richmond VOC Emissions Control Area. The compliance date of August 1, 2010 was retained for the Northern Virginia and Fredericksburg VOC Emissions Control Areas and a compliance date of March 1, 2014 was added for the Richmond VOC Emissions Control Area.

9VAC5 Chapter 45, Article 5—Emission Standards for Architectural

and Industrial Maintenance Coatings and Article 6—Emission Standards for Adhesives and Sealants were both amended to apply provisions to the Richmond VOC Emissions Control Area. In Article 5, the compliance date of March 1, 2014 was added for the Richmond VOC Emission Control Area. In Article 6, the compliance date of August 1, 2010 was retained for the Northern Virginia and Fredericksburg VOC Emission Control Areas and the compliance date of March 1, 2014 was added for the Richmond VOC Emissions Control Area. In Article 6, a temporary exemption for single-ply roof membrane adhesive, sealant and primer was amended for the Northern Virginia and Fredericksburg VOC Emissions Control Areas to apply the standard during the ozone seasons between August 1, 2010 and September 30, 2011 and on and after January 1, 2012. The temporary exemption was extended to the Richmond VOC Emission Control Area where the standard applies during the ozone season between March 1, 2014 and September 30, 2014 and after January 1, 2015. Administrative changes were also made in Article 6 for clarity.

### III. Proposed Action

EPA is proposing to approve the April 10, 2014 Virginia SIP revision which extends provisions for the control of VOC emissions from certain types of consumer and commercial products and existing mobile equipment repair and refinishing operations to the Richmond VOC Emissions Control Area. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

### IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) “privilege” for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia’s legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia’s Voluntary

Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by Federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.”

Virginia’s Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements imposed by Federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General’s January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since “no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia’s Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can



affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

## V. Incorporation by Reference

In this proposed action, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the VADEQ Regulations described in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

## VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to Virginia's control of VOC emissions from commercial and consumer products and existing stationary sources, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: February 20, 2015.

**William C. Early,**

*Acting, Regional Administrator, Region III.*

[FR Doc. 2015-05836 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2014-0851; FRL-9923-06-Region 9]

### Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Sacramento Metropolitan Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the South Coast Air Quality

Management District (SCAQMD) and Sacramento Metropolitan Air Quality Management District (SMAQMD) portions of the California State Implementation Plan (SIP). These revisions concern particulate matter (PM) emissions from particulate matter air pollution control devices and residential wood burning. We are proposing to approve these local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by April 15, 2015.

**ADDRESSES:** Submit comments, identified by docket number EPA-09-OAR-2014, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.

2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email.

[www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location



(e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:**

Christine Vineyard, EPA Region IX, (415) 947-4125, [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: SCAQMD Rule 1155, Particulate Matter (PM) Control Devices and SMAQMD Rule 421 Mandatory Episodic Curtailment of Wood and Other Solid Fuel Burning (except section 402). In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of these rules and if that provision may be severed from the remainder of the rules, we may adopt as final those provisions of the rules that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: January 23, 2015.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2015-05808 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 721**

[EPA-HQ-OPPT-2013-0225; FRL-9923-81]

RIN 2070-AJ99

**Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule; Extension of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** EPA issued a proposed rule in the **Federal Register** January 21, 2015, concerning long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances and perfluoroalkyl sulfonate (PFAS) chemical substances. This document extends the comment period for 90 days, from March 23, 2015, to June 26, 2015. The comment period is being extended because EPA received several comments asserting that there may be significant implications for the supply chain and it is critical that interested stakeholders have sufficient time to respond to the proposed rulemaking.

**DATES:** The comment period for the proposed rule published on January 21, 2015 (80 FR 2885) is extended. Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2013-0225, must be received on or before June 26, 2015.

**ADDRESSES:** Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 21, 2015 (80 FR 2885) (FRL-9915-63).

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Toni Krasnic, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-0984; email address: [krasnic.toni@epa.gov](mailto:krasnic.toni@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document extends the public comment period established in the **Federal Register** proposed rule of January 21, 2015. This proposed rule for LCPFAC chemical substances is proposing to designate as a significant new use manufacturing (including importing) or processing of an identified subset of LCPFAC chemical substances for any use that will not be ongoing after December 31, 2015, and all other LCPFAC chemicals substances for which there are currently no ongoing uses. For this SNUR, EPA is also proposing to make inapplicable the exemption for persons who import LCPFAC chemical substances as part of articles. In addition, EPA is also proposing to amend a SNUR for PFAS chemical substances that would make inapplicable the exemption for persons who import PFAS chemical substances as part of carpets. EPA is hereby extending the comment period, which was set to end on March 23, 2015, to June 26, 2015.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 21, 2015. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 9, 2014.

**Wendy C. Hamnett,**

*Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 2015-05958 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

# Notices

Federal Register

Vol. 80, No. 50

Monday, March 16, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration Advisory Committee Meeting

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection, Packers and Stockyards Administration (GIPSA) Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets annually to advise the GIPSA Administrator on the programs and services that GIPSA delivers under the U.S. Grain Standards Act. Recommendations by the Advisory Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace.

**DATES:** April 7, 2015, 8:00 a.m. to 4:30 p.m.; and April 8, 2015, 8:00 a.m. to Noon.

**ADDRESSES:** The Advisory Committee meeting will take place at GIPSA's National Grain Center, 10383 N. Ambassador Drive, Kansas City, Missouri 64153.

Requests to orally address the Advisory Committee during the meeting or written comments may be sent to: Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 3601, Washington, DC 20250-3601. Requests and comments may also be faxed to (202) 690-2173.

**FOR FURTHER INFORMATION CONTACT:** Terri L. Henry by phone at (202) 205-8281 or by email at [Terri.L.Henry@usda.gov](mailto:Terri.L.Henry@usda.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the Advisory Committee is to provide advice to the GIPSA Administrator with respect to the

implementation of the U.S. Grain Standards Act (7 U.S.C. 71-87k). Information about the Advisory Committee is available on the GIPSA Web site at <http://www.gipsa.usda.gov/fgis/adcommit.html>.

The agenda will include service delivery updates, quality updates, utilization of new technology for inspection purposes, and reauthorization status.

For a copy of the agenda please contact Terri L. Henry by phone at (202) 205-8281 or by email at [Terri.L.Henry@usda.gov](mailto:Terri.L.Henry@usda.gov).

Public participation will be limited to written statements unless permission is received from the Committee Chairperson to orally address the Advisory Committee. The meeting will be open to the public.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Terri L. Henry at the telephone number listed above.

**Larry Mitchell,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2015-05922 Filed 3-13-15; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Forest Resource Coordinating Committee; Meetings

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Forest Resource Coordinating Committee Meeting will meet in Washington, DC. The Committee is authorized under section 8005 of the Food, Conservation, and Energy Act of 2008 (the Act) (Pub. L. 110-246). Additional information concerning the Committee, including the meeting agenda, supporting documents and minutes, can be found by visiting the Committee's Web site at <http://www.fs.fed.us/spf/coop/frcc/>.

**DATES:** The meeting will be held on April 15-16, 2015 from 8:00 a.m. to 4:45 p.m. Eastern Daylight Time (EDT). The meeting is subject to cancellation. For status of the meeting prior to attendance, please contact the person

listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the USDA Sidney R Yates Building, 201 14th St. SW., Pinchot Conference Room, Washington, DC. Members of the public should RSVP to facilitate entry into the Yates Building. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments placed on the Committee's Web site listed above.

#### FOR FURTHER INFORMATION CONTACT:

Andrea Bedell-Loucks, Forest Resource Coordinating Committee Designated Federal Officer, Cooperative Forestry Staff, by phone at 202-205-1190 or Laurie Schoonhoven, Forest Resource Coordinating Committee Program Coordinator, Cooperative Forestry Staff, by phone at 202-205-0929.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Develop recommendations to submit to the Secretary regarding alignment of landowner assistance delivery systems, forest inventory and analysis, markets, forest conditions and health, and landscape scale conservation and management,

2. Hear updates on efforts to address previous recommendations, and

3. Develop a communication strategy.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by April 5, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee staff before April 10, 2015. Written comments and time requests for oral comments must be sent to Laurie Schoonhoven, 1400 Independence Ave. SW., mailstop 1123, Washington, DC 20250, or by email to [lschoonhoven@fs.fed.us](mailto:lschoonhoven@fs.fed.us). A summary of the meeting will be posted at <http://www.fs.fed.us/spf/>

coop/frcc within 21 days after the meeting.

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodations for access to the facility or proceedings by contacting the person listed under the **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 6, 2015.

**Patricia Hiram,**

*Associate Deputy Chief, State and Private Forestry.*

[FR Doc. 2015-05872 Filed 3-13-15; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### White River National Forest; Eagle County, CO; Camp Hale Restoration and Enhancement Project EIS

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Camp Hale-Eagle River Headwaters Collaborative Group recently submitted a proposal to the White River National Forest (WRNF) for restorative and enhancement activities in the Camp Hale area. The WRNF is initiating a National Environmental Policy Act (NEPA) analysis to document and disclose potential impacts. The Proposed Action—the Camp Hale Restoration and Enhancement Project—is built on the recommendations from the collaborative group to restore ecosystems, enhance recreation opportunities, protect historic values, and preserve existing valid permits and rights.

**DATES:** Comments concerning the scope of the analysis must be received by April 30, 2015. The draft environmental impact statement is expected to be available for public review in August 2015 and the final environmental impact statement is expected in the spring of 2016.

**ADDRESSES:** Send written comments to Scott Fitzwilliams, Forest Supervisor, c/o Matt Grove, East Zone Fisheries Biologist, White River National Forest, P.O. Box 190, Minturn, CO 81645. Comments may also be sent via email to <https://cara.ecosystem-management.org/Public/CommentInput?Project=46121> (include “Camp Hale Restoration and

Enhancement Project EIS” in the subject line), or via facsimile to (970) 827-5715.

#### **FOR FURTHER INFORMATION CONTACT:**

Additional information related to the project can be obtained from the project Web page: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=46121>; & Matt Grove, East Zone Fisheries Biologist, Eagle/Holy Cross Ranger District, 24747 U.S. Hwy 24, P.O. Box 190, Minturn, Colorado 81645. Mr. Grove can be reached by phone at (970) 827-5166 or by email at [magrove@fs.fed.us](mailto:magrove@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

#### **SUPPLEMENTARY INFORMATION:**

**Purpose and Need for Action:** The purpose of action is to improve aquatic, riparian, and wetland conditions in and along the Eagle River and its tributaries, maintain or improve recreation opportunities and facilities, and conserve historic values in the Camp Hale area, while preserving existing valid rights and permits.

The need for action is driven by historic and ongoing impairment of stream health, riparian condition and hydrologic function in the upper Eagle River and its tributaries. Current recreational infrastructure and facilities are quickly becoming outdated and overused. Recreational sites throughout the project area are in various states of deterioration and/or are entirely lacking. The project would focus on repairing and enhancing existing infrastructure thereby improving the overall experience at these sites. There is a commitment at the same time to retain features that reflect historic values of the Camp Hale area.

**Proposed Action:** To address the purpose of and need for action specific project components would:

- Create and/or enhance up to 340 acres of wetland habitat and increase sinuosity up to 6 miles collectively in the South Fork, East Fork, and main stem Eagle River.
- Create an inset floodplain located approximately in the 1939 stream alignment; increase sinuosity and reconnect the upper Eagle River and its tributaries within this floodplain or wetlands connected to this floodplain.
- Create inset wetlands that are outside or adjacent to the floodplain but connected by hydrologic function.
- Modify the travel system to maintain recreation access and accommodate restoration activities. Install open arch structures or bridges where designated roads or trails cross

the restored stream alignment.

Modification to the travel system could result in closing road segments that are now open to public access, and opening segments of road currently closed to public access.

- Improve access at Camp Hale Memorial Campground, and improve deteriorating infrastructure at Camp Hale Memorial and Camp Hale Group Campground.

- Improve recreational infrastructure including: Access across the Eagle River for cross country skiing, designated dispersed camping, improved parking areas, and trailhead access improvements.

- Improve terrestrial habitat through the removal of noxious weeds, reintroduction of native vegetation, and incorporating soil amendments to create a better growing environment for native plants.

- Retain identified historically significant remnant structures such as the fixed-distance rifle range, field house, warehouse area, pasture barn, core service command, climbing wall, and portions of the straightened stream channel outside the constructed inset floodplain. The main river would not continue to directly flow through the retained portion of the straightened channel.

- Dispose of excavated fill material from the restored stream channel and wetlands into identified borrow sites in the vicinity or haul to an offsite location.

- Amend the Forest Plan to provide long term protection for restored or enhanced wetlands.

**Responsible Official:** The Responsible Official is Scott Fitzwilliams, Forest Supervisor for the WRNF.

**Nature of Decision To Be Made:** Based on the analysis that will be documented in the forthcoming EIS, the Responsible Official will decide whether or not to implement, in whole or in part, the Proposed Action or another alternative that may be developed by the Forest Service as a result of scoping.

**Scoping Process:** This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service is soliciting comments from Federal, State and local agencies and other individuals or organizations that may be interested in or affected by implementation of the proposed project. Public questions and comments regarding this proposal are an integral part of this environmental analysis process. Input provided by interested and/or affected individuals, organizations and governmental agencies will be used to identify

alternative actions and resource issues that will be analyzed in the environmental impact statement. The Forest Service will identify significant issues raised during the scoping process, and use them to formulate alternatives, prescribe mitigation measures and project design features, or analyze environmental effects.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however. Those who submit comments will have eligibility to file an objection under 36 CFR 219.32 because the decision includes a forest plan amendment. There will be an additional opportunity to comment when the Notice of Availability of the Draft EIS is published in the **Federal Register**. For objection eligibility, each individual or representative from each entity submitting written comments must either sign the comment or verify identity upon request. Individuals and organizations wishing to be eligible to object must meet the information requirements in 36 CFR 219.32.

Dated: March 4, 2015.

**Scott G. Fitzwilliams,**

*Forest Supervisor, White River National Forest.*

[FR Doc. 2015-05895 Filed 3-13-15; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Provincial Advisory Committees

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of Intent to Re-establish the Charter for the Provincial Advisory Committees.

**SUMMARY:** The Department of Agriculture, in consultation with the Department of the Interior, intends to re-establish the Provincial Advisory Committees (PACs) for the provinces in Oregon and Washington. This re-establishment is in response to the continued need for the PACs to provide advice on coordinating the

implementation of the Record of Decision (ROD) of April 13, 1994, for Management of Habitat for Late-Succession and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl. The PACs also provide advice and recommendations to promote integration and coordination of forest management activities between Federal and non-Federal entities.

#### FOR FURTHER INFORMATION CONTACT:

Shandra L. Terry, PACs Program Manager, USDA Forest Service, Region 6 Regional Office, 333 Southwest First Avenue, Portland, Oregon 97204; by phone at 503-808-2242 or by email at [sterry@fs.fed.us](mailto:sterry@fs.fed.us). Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Department of Agriculture, in consultation with the Department of the Interior, intends to re-establish the PACs. The purpose of the PACs is to facilitate the coordinated implementation of the ROD of April 13, 1994, for Management of Habitat for Late-Succession and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl. The PACs consists of representatives of the following Federal agencies: Forest Service, Natural Resources Conservation Service, Bureau of Indian Affairs, Bureau of Land Management, National Marine Fisheries Service, National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey Biological Resources Division, Environmental Protection Agency, and U.S. Army Corps of Engineers.

Ecosystem management at the province level requires improved coordination among governmental entities responsible for land management decisions and the public those agencies serve. Each PAC will provide advice and recommendations regarding implementation to promote integration and coordination of forest management activities between Federal and non-Federal entities. Each PAC will provide advice regarding implementation of a comprehensive ecosystem management strategy for Federal land within a province (provinces are defined in the ROD at E19).

Re-establishment of the PACs does not require an amendment of Bureau of

Land Management or Forest Service planning documents because the re-establishment does not affect the standards and guidelines or land allocations. The Bureau of Land Management and Forest Service will provide further notice, as needed, for additional actions or adjustments when implementing interagency coordination, public involvement, and other aspects of the ROD.

#### PAC Membership

Each PAC will be comprised of no more than 30 members approved by the Secretary of Agriculture. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The PACs may include representation in the following areas:

(1) One or more representatives of the Environmental Protection Agency;

(2) One or more representatives of the United States Fish and Wildlife Service;

(3) One or more representatives of the Forest Service;

(4) One or more representatives of the BLM in each province where lands administered by BLM occur in the province;

(5) One or more representatives of the National Park Service in each province where a National Park occurs in the province;

(6) One or more representatives of the National Marine Fisheries Service;

(7) One or more representatives of the Bureau of Indian Affairs;

(8) Up to a maximum of three representatives of the government of each State within whose boundaries all or a portion of the province is located (the State agencies/departments to be represented will be determined by the Federal officials described in Paragraphs 3a(1) through 3a(7);

(9) One or more representatives of each county government within whose boundaries all or a portion of the province is located, up to a maximum of three county representatives;

(10) One or more representatives of each tribal government whose reservation, ceded land, or usual and accustomed areas are within all or a portion of the province, up to a maximum of three tribal representatives;

(11) Up to a maximum of two representatives of environmental interests;

(12) Up to a maximum of two representatives of different sectors of the forest products industry;

(13) Up to a maximum of four representatives of the recreation and tourism sectors;

(14) Three to five representatives of the following interests when those

interests are determined by the Federal officials described in Paragraphs 3a(1) through 3a(7) to be needed on the respective provincial committee: Fish, wildlife, or forestry conservation organizations; special forest products interests, mining interests, grazing interests, and commercial fishing or charter fishing boat industry interests; and other interests that help achieve the purpose of these PACs;

(15) Up to a total of three representatives from the following Federal agencies when the jurisdiction or authority of those agencies are determined by the Federal officials described in Paragraphs 3a(1)(a) through 3a(7)(g) to be needed on the respective provincial committee: Bureau of Reclamation, United States Geological Survey National Biological Division, Forest Service Research, United States Army Corps of Engineers, United States Geological Survey, Bonneville Power Administration, Department of Defense, and Natural Resources Conservation Service; and

(16) Up to a maximum of six representatives representing the public at large affected by the ROD for the Northwest Forest Plan and concerned with the management of the national forests in the community.

No individual who is currently registered as a Federal lobbyist is eligible to serve as a member of the PAC. Members of the PAC serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the PAC, subject to approval by the Designated Federal Official (DFO).

Equal opportunity practices in accordance with U.S. Department of Agriculture (USDA) policies shall be followed in all appointments to the PACs. To ensure that the recommendations of the PACs have been taken into account, the needs of the diverse groups served by the Departments, membership should include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: March 9, 2015.

**Gregory L. Parham,**

*Assistant Secretary for Administration.*

[FR Doc. 2015-05873 Filed 3-13-15; 8:45 am]

**BILLING CODE 3411-15-P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Oklahoma Advisory Committee for a Meeting To Discuss and Vote Upon a Project Proposal Regarding the School to Prison Pipeline in Oklahoma; Correction

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of meeting; Correction.

**SUMMARY:** The U.S. Commission on Civil Rights published a document in the **Federal Register** of March 9, 2015, concerning a meeting of the Oklahoma Advisory Committee to discuss and vote on a project proposal regarding the school to prison pipeline in Oklahoma. The document contained incorrect times and phone numbers.

**FOR FURTHER INFORMATION CONTACT:** David Mussatt, 312-353-8311.

#### Correction

In the **Federal Register** of March 9, 2015, 80 FR 12432, in the first column, correct the second sentence of the second paragraph in the "Summary" caption to read:

This meeting is available to the public through the following toll-free call-in number: 888-811-5448, conference ID: 7610695.

#### Correction

In the **Federal Register** of March 9, 2015, 80 FR 12432, in the third column, correct the "Public Call Information" caption to read:

*Dial:* 888-811-5448.

*Conference ID:* 7610695.

#### Correction

In the **Federal Register** of March 9, 2015, 80 FR 12432, in the second column, correct the "Agenda" caption to read:

#### AGENDA

*Welcome and Introductions*

4:00 p.m. to 4:05 p.m.

Vicki Limas, Chair

*Discussion of Proposal on School to Prison Pipeline in Oklahoma*

4:05 p.m. to 4:35 p.m.

Oklahoma Advisory Committee

*Planning Next Steps*

4:35 p.m. to 5:00 p.m.

*Adjournment*

5:00 p.m.

#### Correction

In the **Federal Register** of March 9, 2015, 80 FR 12432, in the third column, correct the "Date" caption to read:

*Date:* The meeting will be held on Friday, March 27, 2015, at 4:00 p.m. CST.

Dated: March 10, 2015.

**David Mussatt,**

*Chief, Regional Programs Unit.*

[FR Doc. 2015-05849 Filed 3-13-15; 8:45 am]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 15, 2015.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Lisa White, (301) 427-8494 or [Lisa.White@noaa.gov](mailto:Lisa.White@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Marine Mammal Protection Act requires any commercial fisherman operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisherman to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals. All states have integrated the National Marine Fisheries Service (NMFS) registration process into the existing state fishery registration process and vessel owners do not need

to file a separate federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

## II. Method of Collection

Fishermen have their information imported directly into the Marine Mammal Authorization Program (MMAP) from their state. If they do not have a state or Federal fishery permit or license, they can request an MMAP registration form from their regional NMFS office and mail in the registration form.

## III. Data

*OMB Control Number:* 0648–0293.

*Form Number(s):* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; Individuals or households.

*Estimated Number of Respondents:* 600.

*Estimated Time per Response:* Initial registration 15 minutes.

*Estimated Total Annual Burden Hours:* 150.

*Estimated Total Annual Cost to Public:* \$15,300 in recordkeeping/reporting costs and application fees.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 10, 2015.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2015–05876 Filed 3–13–15; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* Annual Survey of Manufactures.

*OMB Control Number:* 0607–0449.

*Form Number(s):* MA–10000(L), MA–10000(S), NC–99530.

*Type of Request:* Revision of a currently approved collection.

*Number of Respondents:* 68,000.

*Average Hours per Response:* 2 hours and 32 minutes.

*Burden Hours:* 172,540.

*Needs and Uses:* The Census Bureau has conducted the Annual Survey of Manufactures (ASM) since 1949 to provide key measures of manufacturing activity during intercensal periods. In census years ending in “2” and “7,” we mail and collect the ASM as part of the Economic Census covering the Manufacturing Sector.

The ASM statistics are based on a survey that includes both mail and nonmail components. The mail portion of the survey consists of a probability sample that will be redesigned for the 2014 ASM using a methodology similar to the one that was used for the 2009 ASM. However, the industry strata for the 2014 ASM sample will be based on the 2012 North American Industry Classification System (NAICS), which combines many of the six-digit codes in the Manufacturing Sector. For the 2009 ASM, approximately 51,000 manufacturing establishments were selected from a frame of approximately 117,000 establishments. The frame contained all manufacturing establishments of multiunit companies (companies with operations at more than one location) and the largest single-location manufacturing companies within each industry. We expect the number of establishments in the 2014 ASM sample to be about the same as the number in the 2009 ASM sample. The 2009 ASM nonmail component contained approximately 211,000 small and medium-sized single-location companies. No data are collected from companies in the nonmail component. Data are imputed based on models that incorporate the administrative records of the Internal Revenue Service (IRS), the Social Security Administration (SSA), and the Bureau of Labor Statistics (BLS). Though the nonmail

companies account for nearly two-thirds of the universe, they account for less than 7 percent of the manufacturing output.

The Census Bureau plans to revise the information collected in several areas of the MA–10000 (L). The MA–10000 (L) is the only form the Census Bureau plans to revise. The first revision is to the inventory section of the form, which covers items 9, 10 and 11 of the MA–10000 (L). The primary objective of the revision to the inventory section is to improve reporting and to avoid confusion for respondents that do not use the Last-In, First-Out (LIFO) method of valuation for inventories. In previous reporting cycles, reporting on these items were filled with errors that revolved around non-LIFO respondents reporting data in the LIFO-related items due to misunderstanding what was being requested. After research, it was determined that grouping all of the LIFO-related items together and moving them to the end of the inventory section will greatly decrease confusion for the large majority of respondents that do not use the LIFO valuation method. The second revision is to remove the data collected for depreciation, which is item 16B of the MA–10000 (L). The removal of item 16B will simplify what respondents are required to report and will remove an item that does not have the supplemental variables that it needs for editing and imputation.

This survey is an integral part of the Government's statistical program. Its results provide a factual background for decision making by the executive and legislative branches of the Federal Government. Federal agencies use the annual survey's input and output data as benchmarks for their statistical programs, including the Federal Reserve Board's Index of Industrial Production and the Bureau of Economic Analysis' (BEA) estimates of the gross domestic product. The data also provide the Department of Energy with primary information on the use of energy by the manufacturing sector to produce manufactured products. These data also are used as benchmark data for the Manufacturing Energy Consumption Survey, which is conducted for the Department of Energy by the Census Bureau. The Department of Commerce uses the exports of manufactured products data to measure the importance of exports to the manufacturing economy of each state. Within the Census Bureau, the ASM data are used to benchmark and reconcile monthly and quarterly data on manufacturing production and inventories.

The ASM is the only source of complete establishment statistics for the programs mentioned above.

The ASM furnishes up-to-date estimates of employment and payrolls, hours and wages of production workers, value added by manufacture, cost of materials, value of shipments by class of product, inventories, cost of employer's fringe benefits, operating expenses, and expenditures for new and used plant and equipment. The survey provides data for most of these items at the two-through six-digit NAICS levels. We also provide geographic data by state at a more aggregated industry level.

The survey also provides valuable information to private companies, research organizations, and trade associations. Industry makes extensive use of the annual figures on product class shipments at the U.S. level in its market analysis, product planning, and investment planning. State development/planning agencies rely on the survey as a major source of comprehensive economic data for policymaking, planning, and administration.

The Ownership or Control forms (NC-99530) will be used to update the Business Register, the basic input to the sampling frame for many of our current surveys. This enables us to update establishments in the Census Bureau's Business Register that are incorrectly identified as being single-establishment firms.

*Affected Public:* Business or other for profit.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, United States Code, sections 131, 182, 224, and 225.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: March 11, 2015.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2015-05910 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* National Coral Reef Monitoring Program Survey.

*OMB Control Number:* 0648-0646.

*Form Number(s):* None.

*Type of Request:* Regular (extension of a currently approved information collection).

*Number of Respondents:*

*Average Hours per Response:* 25 minutes.

*Burden Hours:* 1,303.

*Needs and Uses:* This request is for extension of a currently approved information collection.

The purpose of this information collection is to obtain information from individuals in the seven United States (U.S.) jurisdictions containing coral reefs. Specifically, NOAA is seeking information on the knowledge, attitudes and reef use patterns, as well as information on knowledge and attitudes related to specific reef protection activities. In addition, this survey will provide for the ongoing collection of social and economic data related to the communities affected by coral reef conservation programs.

The Coral Reef Conservation Program (CRCP), developed under the authority of the Coral Reef Conservation Act of 2000, is responsible for programs intended to enhance the conservation of coral reefs. We intend to use the information collected through this instrument for research purposes as well as measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP staff to ensure programs are designed appropriately at the start, future program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

*Affected Public:* Individuals or households.

*Frequency:* Each jurisdiction every 3-4 years.

*Respondent's Obligation:* Voluntary. This information collection request may be viewed at [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: March 10, 2015.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2015-05877 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-JS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XD821**

#### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Wednesday, April 1, 2015 at 9 a.m.

#### ADDRESSES:

*Meeting address:* The meeting will be held at the Four Points Sheraton, 407 Squire Road, Revere, MA 02151; telephone: (781) 284-7200; fax: (781) 289-3176.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

#### FOR FURTHER INFORMATION CONTACT:

Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Committee will begin work on development of Amendment 19 to the Scallop Fishery Management Plan (FMP). Amendment 19 will consider measures to address timing issues that inhibit implementation of fishery specifications at the start of the scallop fishing year (March 1). They will also discuss an issue that has been raised at



previous meetings related to scallop fishing space in near shore areas and issues of differential catch rates for general category and limited access vessels. The Council may have a workshop later in the year to discuss these issues further. Finally, the committee will discuss potential research priorities for the 2016 Scallop Research Set-Aside announcement. This will be an initial discussion only, and final recommendations will be made at a future meeting. Other business may be discussed.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2015.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2015-05908 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XD820**

#### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Tuesday, March 31, 2015 at 10 a.m.

**ADDRESSES:** *Meeting address:* The meeting will be held at the Four Points Sheraton, 407 Squire Road, Revere, MA 02151; telephone: (781) 284-7200; fax: (781) 289-3176.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director,

New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Advisory Panel (AP) will begin work on development of Amendment 19 to the Scallop Fishery Management Plan (FMP). Amendment 19 will consider measures to address timing issues that inhibit implementation of fishery specifications at the start of the scallop fishing year (March 1). The AP will also discuss an issue that has been raised at previous meetings related to scallop fishing space in near shore areas and issues of differential catch rates for general category and limited access vessels. The Council may have a workshop later in the year to discuss these issues further. The AP will also provide input on preliminary scallop fishing maps being developed by the Northeast Regional Ocean Council (NROC). Finally, the AP will discuss potential research priorities for the 2016 Scallop Research Set-Aside announcement. This will be an initial discussion only, and final recommendations will be made at a future meeting. Other issues may be discussed.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2015.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2015-05907 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Request for Applicants for Appointment to the United States-Brazil CEO Forum

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In March 2007, the Governments of the United States and Brazil established the U.S.-Brazil CEO Forum. This notice announces the opportunity for individuals to apply for appointment as U.S. representatives to the U.S. Section of the Forum. The U.S. Section currently has three immediate

vacancies for appointment terms through August 13, 2016. Nominations received in response to this notice also will be considered for on-going appointments to fill any future vacancies that may arise through August 13, 2016.

**DATES:** Applications for immediate consideration should be received no later than close of business March 30, 2015. Applications will be accepted until June 30, 2016 for appointments to fill future vacancies that may arise.

**ADDRESSES:** Please send requests for consideration to Braeden Young, Office of Latin America and the Caribbean, U.S. Department of Commerce, either by email at [Braeden.Young@trade.gov](mailto:Braeden.Young@trade.gov) or by mail to U.S. Department of Commerce, 1401 Constitution Avenue NW., Room CC334, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Braeden Young, Office of Latin America and the Caribbean, U.S. Department of Commerce, telephone: (202) 482-1093.

**SUPPLEMENTARY INFORMATION:** The Secretary of Commerce and the Deputy Assistant to the President and Deputy National Security Advisor for International Economic Affairs, together with the Planalto Casa Civil Minister (Presidential Chief of Staff) and the Brazilian Minister of Development, Industry and Foreign Trade, co-chair the U.S.-Brazil CEO Forum (Forum), pursuant to the Terms of Reference signed in March 2007 by the U.S. and Brazilian governments, as amended, which set forth the objectives and structure of the Forum. The Terms of Reference may be viewed at: <http://www.trade.gov/ceo-forum/>. The Forum, consisting of both private and public sector members, brings together leaders of the respective business communities of the United States and Brazil to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries. The Forum consists of the U.S. and Brazilian Government co-chairs and a Committee comprised of private sector members. The Committee is composed of two Sections, each consisting of approximately ten to twelve members from the private sector, representing the views and interests of the private sector business community in the United States and Brazil. Each government appoints the members to its respective Section. The Committee provides joint recommendations to the two governments that reflect private sector views, needs and concerns regarding the creation of an economic environment in which their respective private sectors can partner, thrive and enhance bilateral commercial ties to



expand trade between the United States and Brazil.

This notice seeks candidates to fill three current vacancies on the U.S. Section of the Forum as well as any future vacancies that may arise during the current appointment terms through August 13, 2016. Each candidate must be the Chief Executive Officer or President (or have a comparable level of responsibility) of a U.S.-owned or -controlled company that is incorporated in and has its main headquarters in the United States and that is currently doing business in both Brazil and the United States. Each candidate also must be a U.S. citizen or otherwise legally authorized to work in the United States and able to travel to Brazil and locations in the United States to attend official Forum meetings as well as independent U.S. Section and Committee meetings. In addition, the candidate may not be a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended. Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on the following criteria:

- A demonstrated commitment by the individual's company to the Brazilian market either through exports or investment.
- A demonstrated strong interest in Brazil and its economic development.
- The ability to offer a broad perspective and business experience to the discussions.
- The ability to address cross-cutting issues that affect the entire business community.
- The ability to initiate and be responsible for activities in which the Forum will be active.

Members will be selected on the basis of who will best carry out the objectives of the Forum as stated in the Terms of Reference establishing the U.S.-Brazil CEO Forum. The U.S. Section of the Forum should also include members that represent a diversity of business sectors and geographic locations. To the extent possible, U.S. Section members also should represent a cross-section of small, medium, and large firms.

U.S. members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all travel and related expenses associated with their participation in the Forum, including attendance at Committee and Section meetings. Only appointed members may participate in official Forum meetings; substitutes and alternates will not be designated. According to the current Terms of

Reference, members are normally to serve three-year terms, but may be reappointed. The individuals appointed to fill the vacancies on the U.S. Section of the Forum will be appointed to serve the remainder of the current three-year term cycle ending August 13, 2016.

To be considered for membership, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above: Name(s) and title(s) of the individual(s) requesting consideration; name and address of company's headquarters; location of incorporation; size of the company; size of company's export trade, investment, and nature of operations or interest in Brazil; an affirmative statement that the applicant is neither registered nor required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended; and a brief statement of why the candidate should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. Applications will be considered as they are received. All candidates will be notified of whether they have been selected.

Dated: March 10, 2015.

**Alexander Peacher,**

*Acting Director for the Office of Latin America & the Caribbean.*

[FR Doc. 2015-05843 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-HE-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Advisory Committee on Supply Chain Competitiveness: Notice of Public Meetings

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of open meetings.

**SUMMARY:** This notice sets forth the schedule and proposed topics of discussion for public meetings of the Advisory Committee on Supply Chain Competitiveness (Committee).

**DATES:** The meetings will be held on April 15 from 12:00 p.m. to 3:00 p.m., and April 16 from 9:00 a.m. to 4:00 p.m., Eastern Standard Time (EST).

**ADDRESSES:** The meeting on April 15 will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 1412, Washington, DC 20230. The meeting on April 16 will be held at the U.S. Department of Commerce, 1401 Constitution Avenue

NW., Room 4830, Washington, DC 20230.

#### FOR FURTHER INFORMATION CONTACT:

Richard Boll, Office of Supply Chain, Professional & Business Services, International Trade Administration.

(Phone: (202) 482-1135 or Email: [richard.boll@trade.gov](mailto:richard.boll@trade.gov))

#### SUPPLEMENTARY INFORMATION:

##### Background

The Committee was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). It provides advice to the Secretary of Commerce on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and provides advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. For more information about the Committee visit: <http://trade.gov/td/services/oscpb/supplychain/acsccl/>.

**Matters to Be Considered:** Committee members are expected to continue to discuss the major competitiveness-related topics raised at the previous Committee meetings, including trade and competitiveness; freight movement and policy; information technology and data requirements; regulatory issues; finance and infrastructure; and workforce development. The Committee's subcommittees will report on the status of their work regarding these topics. The agenda's may change to accommodate Committee business. The Office of Supply Chain, Professional & Business Services will post the final detailed agenda's on its Web site, <http://trade.gov/td/services/oscpb/supplychain/acsccl/>, at least one week prior to the meeting. The meetings will be open to the public and press on a first-come, first-served basis. Space is limited. The public meetings are physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Richard Boll, at (202) 482-1135 or [richard.boll@trade.gov](mailto:richard.boll@trade.gov) five (5) business days before the meeting.

Interested parties are invited to submit written comments to the Committee at any time before and after

the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting must send them to the Office of Supply Chain, Professional & Business Services, 1401 Constitution Ave NW., Room 11014, Washington, DC 20230, or email to [richard.boll@trade.gov](mailto:richard.boll@trade.gov).

For consideration during the meetings, and to ensure transmission to the Committee prior to the meetings, comments must be received no later than 5:00 p.m. EST on April 8, 2015. Comments received after April 8, 2015, will be distributed to the Committee, but may not be considered at the meetings. The minutes of the meetings will be posted on the Committee Web site within 60 days of the meeting.

Dated: March 9, 2015.

**David Long,**

*Director, Office of Supply Chain, Professional & Business Services.*

[FR Doc. 2015-05883 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Proposed Information Collection; Comment Request; Manufacturing Extension Partnership (MEP) Management Information Reporting

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 15, 2015.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [jjessup@doc.gov](mailto:jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Deirdre McMahon, National Institute of Standards and Technology—Manufacturing Extension Partnership, 100 Bureau Drive, Stop 4800, 301-975-8328 (phone). In addition, written

comments may be sent via email to [Deirdre.mcmahon@nist.gov](mailto:Deirdre.mcmahon@nist.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Sponsored by NIST, the Manufacturing Extension Partnership (MEP) is a national network of locally-based manufacturing extension centers working with small manufacturers to assist them improve their productivity, improve profitability and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected information will assist in determining the performance of the MEP Centers at both local and national levels, provide information critical to monitoring and reporting on MEP programmatic performance, and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). The information collected will include center inputs and activities including services delivered, clients served, center staff, quarterly expenses and revenues, partners, strategic plan, operation plans, and client success stories. No confidentiality for information submitted is promised or provided.

In order to reflect new initiatives and new data needs, NIST MEP has identified a need to revise its existing reporting processes by modifying existing reporting elements that will enable NIST MEP to better monitor and assess the extent to which the Centers are meeting program goals and milestones.

##### II. Method of Collection

The information will be collected from the MEP Centers through the MEP Enterprise Information System (MEIS), <https://meis.nist.gov>.

##### III. Data

*OMB Control Number:* 0693-0032.

*Form Number:* None.

*Type of Review:* Regular submission (revision of a currently approved information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 60.

*Estimated Time per Response:* 160 hours.

*Estimated Total Annual Burden Hours:* 9,600.

*Estimated Total Annual Cost to Public:* \$0.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 11, 2015.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2015-05890 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-849]

#### Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Final Results of Administrative Review; 2012-2013

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On November 21, 2014, the Department of Commerce (the "Department") published the preliminary results and partial rescission of the 2012-2013 administrative review of the antidumping duty order on certain cut-to-length carbon steel plate ("CTL plate") from the People's Republic of China ("PRC"), in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended ("the Act").<sup>1</sup> The period of review ("POR") is November 1, 2012, through October 31, 2013. This review covers two PRC companies:

<sup>1</sup> See *Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2012-2013*, 79 FR 69425 (November 21, 2014) ("Preliminary Results").

Hunan Valin Xiangtan Iron & Steel Co., Ltd. (“Hunan Valin”), and Zhengzhou Shangdao Iron & Steel Co. (“Zhengzhou Shangdao”). The Department invited interested parties to comment on the *Preliminary Results*. No parties commented. Accordingly, our final results remain unchanged from the *Preliminary Results*.

**DATES:** *Effective Date:* March 16, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0989.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 21, 2014, the Department published the *Preliminary Results*. We invited interested parties to submit comments on the *Preliminary Results*, but no comments were received.

**Scope of the Order**

The product covered by the order is certain cut-to-length carbon steel plate from the PRC. Included in this description is hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters (“mm”) but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns of relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated nor coated with metal, whether or not painted, varnished, or covered with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150mm and measures at least twice the thickness. Included as subject merchandise in this order are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been “worked after rolling”)—for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000,

7208.53.0000, 7208.90.0000, 7210.70.3000, 7212.40.5000, and 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive. Specifically excluded from subject merchandise within the scope of the order is grade X-70 steel plate.

**Final Determination of No Shipments**

In the *Preliminary Results*, we determined that Hunan Valin did not have any reviewable transactions during the POR because Hunan Valin submitted a timely-filed certification that it had no shipments of subject merchandise during the POR and U.S. import data did not show any POR entries of Hunan Valin’s subject merchandise.<sup>2</sup> We did not receive information from U.S. Customs and Border Protection (“CBP”) indicating that there were reviewable transactions for Hunan Valin during the POR. Consistent with the Department’s assessment practice in non-market economy (“NME”) cases, we stated in the *Preliminary Results* that the Department would not rescind the review in these circumstances but, rather, would complete the review with respect to Hunan Valin and issue appropriate instructions to CBP based on the final results of the review.<sup>3</sup> As stated above, we did not receive any comments on our *Preliminary Results*. In these final results, we continue to determine that Hunan Valin had no reviewable transactions of subject merchandise during the POR.

**Treatment of Zhengzhou Shangdao**

In the *Preliminary Results*, we determined that because Zhengzhou Shangdao did not respond to the questionnaire and did not provide separate rate information, it did not establish its eligibility for separate rate status and is part of the PRC-wide entity.<sup>4</sup> The Department then preliminarily determined that it had to rely on facts otherwise available to assign a dumping margin to the PRC-wide entity in accordance with sections 776(a)(1), 776(a)(2)(A), and 776(a)(2)(C) of the Act, because necessary information was not on the record, the PRC-wide entity (Zhengzhou Shangdao)

had withheld information that was requested of it, and, by not providing requested information, the entity had significantly impeded the proceeding. We further preliminarily found that Zhengzhou Shangdao’s failure to provide the requested information constituted circumstances under which the company and, hence, the PRC-wide entity, had not acted to the best of its ability to comply with the Department’s request for information. We therefore preliminarily determined, pursuant to section 776(b) of the Act, that the PRC-wide entity failed to cooperate by not acting to the best of its ability and that, accordingly, when selecting from among the facts otherwise available, an adverse inference was warranted with respect to the PRC-wide entity.

Therefore, for these final results, the Department finds that Zhengzhou Shangdao is part of the PRC-wide entity and that the use of adverse facts available is warranted with respect to the PRC-wide entity.

**Final Results of Review**

The Department determines that the following weighted-average dumping margin exists for the period November 1, 2012, through October 31, 2013:

Exporter	Weighted-average dumping margin (percent)
PRC-wide entity <sup>5</sup> .....	128.59

**Assessment**

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>6</sup> The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. The Department intends to instruct CBP to liquidate entries of subject merchandise from Zhengzhou Shangdao at the PRC-wide rate of 128.59 percent. Additionally, consistent with the Department’s assessment practice refinement in NME cases, because the Department determined that Hunan Valin had no reviewable transactions of subject merchandise during the POR, any suspended entries that entered under Hunan Valin’s antidumping duty case number (*i.e.*, at that exporter’s rate) will be liquidated at the PRC-wide rate.<sup>7</sup>

<sup>2</sup> See *Preliminary Results*, and accompanying Decision Memorandum, at 3.

<sup>3</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“*Assessment Practice Refinement*”); see also the “Assessment” section of this notice, below.

<sup>4</sup> See *Preliminary Results*, and accompanying Decision Memorandum, at 3–4.

<sup>5</sup> The PRC-wide entity includes Zhengzhou Shangdao Iron & Steel Co.

<sup>6</sup> See 19 CFR 351.212(b)(1).

<sup>7</sup> See *Assessment Practice Refinement*.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Hunan Valin, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to this company in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters which are not under review in this segment of the proceeding but which have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, including Zhengzhou Shangdao, the cash deposit rate will be the PRC-wide rate of 128.59 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

### Notification to Interested Parties

This notice also serves as a reminder to parties subject to the administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance

with sections 751(a)(1) and 777(i) of the Act.

Dated: March 9, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015-05959 Filed 3-13-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulation System

[Docket Number 2015-0007]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; DFARS Part 245, Government Property

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection under Control Number 0704-0246 for use through December 31, 2014. DoD is proposing that OMB extend its approval for use for three additional years.

**DATES:** DoD will consider all comments received by May 15, 2015.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0246, using any of the following methods:

○ Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

○ Email: [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include OMB Control Number 0704-0246 in the subject line of the message.

○ Fax: (571) 372-6094.

○ Mail: Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Gomersall, at (571) 372-6099. The information collection requirements addressed in this notice are available on the World Wide Web at: <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.htm>. Paper copies are available from Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

### SUPPLEMENTARY INFORMATION:

*Title, Associated Forms, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) part 245, Government Property, and the following related clauses and forms: DFARS 252.245-7003, Contractor Property Management System Administration; 252.245-7004, Reporting, Reutilization, and Disposal; DD Form 1348-1A, DoD Single Line item Release/Receipt Document; DD Form 1639, Disposal Determination/Approval; OMB Control Number 0704-0246.

*Needs and Uses:* This requirement provides for the collection of information related to providing Government property to contractors; contractor use and management of Government property; and reporting, redistribution, and disposal of property.

a. *DFARS 245.302(1)(i):* DFARS 245.302 concerns contracts with foreign governments or international organizations. Paragraph (1)(i) requires contractors to request and obtain contracting officer approval before using Government property on work for foreign governments and international organizations.

b. *DFARS 245.604-3(b) and (d):* DFARS 245.604-3 concerns the sale of surplus Government property. Under paragraph (b), a contractor may be directed by the plant clearance officer to issue informal invitations for bids. Under paragraph (d), a contractor may be authorized by the plant clearance officer to purchase or retain Government property at less than cost if the plant clearance officer determines this method is essential for expeditious plant clearance.

c. *DFARS 252.245–7003*: This clause entitled, Contractor Property Management System Administration, and DFARS 245.105, Contractor's Property Management System Compliance, address the requirement for contractors to respond in writing to initial and final determinations from the administrative contracting officer that identifies deficiencies in the contractor's property management system. The burden for this reporting requirement was previously approved under OMB 0704–0480 and is being incorporated into 0704–0246 in order to consolidate all DFARS part 245 requirements under one OMB clearance.

d. *DD Form 1348–1A*, DoD Single Line Item Release/Receipt Document, is prescribed at DFARS 245.7001–3 and the form is used when authorized by the plant clearance officer.

e. *DD Form 1639*, Scrap Warranty, is prescribed in the clause at DFARS 252.245–7004, Reporting, Reutilization, and Disposal. When scrap is sold by the contractor, after Government approval, the purchaser of the scrap material(s) may be required to certify, by signature on the DD Form 1639, that (i) the purchased material will be used only as scrap and (ii), if sold by the purchaser, the purchaser will obtain an identical warranty from the individual buying the scrap from the initial purchaser. The warranty contained in the DD Form 1639 expires by its terms five years from the date of the sale.

*Affected Public*: Businesses or for-profit entities and not-for-profit institutions.

*Type of Request*: Extension.

*Number of Respondents*: 1,840.

*Responses per Respondent*: 14.9, approximately.

*Annual Responses*: 27,404.

*Average Burden per Response*: 1 hour, approximately.

*Annual Burden Hours*: 28,283.

*Reporting Frequency*: On occasion.

*Summary of Information Collection*: DFARS part 245 prescribes policies and procedures for providing Government property to contractors; contractors' use and management of Government property; and reporting, redistributing, and disposing of inventory. The information collected is used by contractors, property administrators, and contracting officers.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2015–05923 Filed 3–13–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0029]

### Agency Information Collection Activities; Comment Request; Application for the U.S. Presidential Scholars Program

**AGENCY**: Office of Communication and Outreach (OCO), Department of Education (ED).

**ACTION**: Notice.

**SUMMARY**: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES**: Interested persons are invited to submit comments on or before May 15, 2015.

**ADDRESSES**: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED–2015–ICCD–0029 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT**: For specific questions related to collection activities, please contact Simone Olson, 202–205–8719.

**SUPPLEMENTARY INFORMATION**: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed

information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection*: Application for the U.S. Presidential Scholars Program.

*OMB Control Number*: 1860–0504.

*Type of Review*: An extension of an existing information collection.

*Respondents/Affected Public*: Individuals or Households.

*Total Estimated Number of Annual Responses*: 2,900.

*Total Estimated Number of Annual Burden Hours*: 46,400.

*Abstract*: The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the SAT or ACT assessments, or on artistic merits based on participation in a national talent program. This program was established by Presidential Executive Orders 11155 and 12158.

Dated: March 11, 2015.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2015–05916 Filed 3–13–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers*: ER15–838–002.

*Applicants*: AEP Texas Central Company.

*Description*: Tariff Amendment per 35.17(b): TCC-San Roman Wind I Interconnection Agreement Amendment Amd to be effective 1/29/2015.

*Filed Date*: 3/4/15.

Accession Number: 20150304–5190.  
Comments Due: 5 p.m. ET 3/25/15.  
Docket Numbers: ER15–1176–000.  
Applicants: South Jersey Energy ISO6, LLC.

Description: Initial rate filing per 35.12 Market-based rate application to be effective 3/5/2015.

Filed Date: 3/4/15.

Accession Number: 20150304–5184.

Comments Due: 5 p.m. ET 3/25/15.

Docket Numbers: ER15–1177–000.

Applicants: South Jersey Energy ISO7, LLC.

Description: Initial rate filing per 35.12 Market-based rate application to be effective 3/5/2015.

Filed Date: 3/4/15.

Accession Number: 20150304–5187.

Comments Due: 5 p.m. ET 3/25/15.

Docket Numbers: ER15–1178–000.

Applicants: South Jersey Energy ISO8, LLC.

Description: Initial rate filing per 35.12 Market-based Rate Application to be effective 3/5/2015.

Filed Date: 3/4/15.

Accession Number: 20150304–5188.

Comments Due: 5 p.m. ET 3/25/15.

Docket Numbers: ER15–1179–000.

Applicants: Duke Energy Progress, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Amendment to Rate Schedule 182 to be effective 5/4/2015.

Filed Date: 3/6/15.

Accession Number: 20150305–5005.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1180–000.

Applicants: Rochester Gas and Electric Corporation, New York Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Joint 205 filing NYISO and RG&E re: SA No. 1829 Brown's Race Facility to be effective 2/19/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5000.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1181–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): SA 305 6th Revised—NITSA with Stillwater Mining Company to be effective 7/1/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5032.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1182–000.

Applicants: Southern California Edison Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): LGIA with AES North America Development LLC to be effective 5/6/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5145.  
Comments Due: 5 p.m. ET 3/27/15.  
Docket Numbers: ER15–1183–000.  
Applicants: Pacific Gas and Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): CCSF Ravenswood TFA and Removal Agreement Rate Schedule FERC No. 243 to be effective 3/6/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5193.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1184–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): FCM PER to be effective 5/6/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5221.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1186–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: Tariff Withdrawal per 35.15: NYISO notice of cancellation of LGIA Among NYISO, NiMo and Allegra SA No. 1916 to be effective 5/28/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5248.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1187–000.

Applicants: PacifiCorp.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Revised Attachment H–1 (Rev Depreciation Rates 2015) to be effective 6/1/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5249.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1188–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–06 SA 2756 ATC-Wisconsin Public Service Corp. CFA to be effective 5/6/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5250.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1189–000.

Applicants: Central Maine Power Company.

Description: Tariff Withdrawal per 35.15: Termination of SGIA with Gallop Power Greenville, LLC to be effective 1/22/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5253.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1190–000.

Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Attachment C Amendment (revised) to be effective 2/10/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5263.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1191–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–06 SA 766 Notice of Termination of Bills of Sale (ATC-WPSC) to be effective 5/6/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5264.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1192–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–06 Attachment HH (Dispute Resolution Procedures to be effective 5/6/2015).

Filed Date: 3/6/15.

Accession Number: 20150306–5296.

Comments Due: 5 p.m. ET 3/27/15.

Docket Numbers: ER15–1193–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to OATT Att O and Att P re Enhanced Inverter Capabilities to be effective 5/1/2015.

Filed Date: 3/6/15.

Accession Number: 20150306–5298.

Comments Due: 5 p.m. ET 3/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 6, 2015.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

[FR Doc. 2015–05864 Filed 3–13–15; 8:45 am]

BILLING CODE 6717–01–P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket Nos. CP15–93–000; PF14–14–000; CP15–94–000; CP15–96–000]

**Rover Pipeline LLC; Panhandle Eastern Pipe Line Company, LP; Trunkline Gas Company, LLC; Notice of Applications**

Take notice that on February 20, 2015, Rover Pipeline LLC (Rover), 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP15–93–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for authorization: (i) To construct and operate a new approximately 711-mile new interstate pipeline through the States of West Virginia, Pennsylvania, Ohio, and Michigan; (ii) to construct and operate 10 new compressor stations, totaling 213,420 horsepower; (iii) to construct and operate 19 new meter stations (collectively, the Rover Project); (iv) of its proposed *pro forma* tariff; (v) for a Part 157, Subpart F construction certificate; (vi) for a Part 284, Subpart G blanket certificate; (vii) for any waivers the Commission deems necessary for the Rover Project. Rover states that the proposed pipeline will have a total capacity of 3.25 billion cubic feet per day and estimates the cost of the Rover Project to be approximately \$4.22 billion.

Additionally, on February 23, 2015, Panhandle Eastern Pipe Line Company, LP (Panhandle), 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP15–94–000 an application pursuant to section 7(c) of the NGA for authorization to: (i) Modify station piping and appurtenances at the Edgerton Compressor Station (CS) in Allen County, Indiana; the Zionsville CS in Marion County, Indiana; the Montezuma CS in Parke County, Indiana; and the Tuscola CS in Douglas County, Illinois; (ii) modify piping and appurtenances at three auxiliary facilities in Lenawee County, Michigan; Vermillion County, Indiana; and Hamilton County, Indiana; and (iii) install an interconnect with Rover in Defiance County, Ohio (Panhandle Backhaul Project). Panhandle states that the proposed project will provide 750,000 dekatherms per day (Dth/d) of east-to-west firm transportation service. Panhandle estimates the cost of the Panhandle Backhaul Project to be approximately \$58 million.

Finally, on February 23, 2015, Trunkline Gas Company, LLC (Trunkline), 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP15–

96–000 an application pursuant to section 7(c) of the NGA for authorization to: (i) Modify station piping at the Johnsonville CS in Wayne County, Illinois; the Joppa CS in Massac County, Illinois; the Dyerburg CS in Dyersburg County, Tennessee; and the Independence CS in Tate County, Mississippi; (ii) modify station piping at the Bourbon Meter Station in Douglas County, Illinois; and (iii) modify piping at the existing Panhandle-Trunkline Interconnect in Douglas County, Illinois. Trunkline states that the proposed project will provide 750,000 Dth/d of north-to-south firm transportation service. Trunkline estimates the cost of the Trunkline Backhaul Project to be approximately \$50.8 million.

All of the applications are on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions concerning these applications may be directed to Stephen Veatch, Senior Director of Certificates, Rover Pipeline Company, LLC; Panhandle Eastern Pipe Line Company, LP; Trunkline Gas Company, LLC, 1300 Main Street, Houston, Texas 77002, by telephone at (713) 989–2024, by facsimile at (713) 989–1205, or by email at [stephen.veatch@energytransfer.com](mailto:stephen.veatch@energytransfer.com).

On June 27, 2014, the Commission staff granted Rover's request to utilize the Pre-Filing Process and assigned Docket No. PF14–14–000 to staff activities involved in the above referenced projects. Now, as of the filing of the February 20, 2014 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket Nos. CP15–93–000, CP15–94–000, and CP15–96–000 as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to

notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentators will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentators will not be required to serve copies of filed documents on all other parties. However, the non-party commentators will not receive copies of all documents filed by other parties or issued by the



Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

*Comment Date:* March 30, 2015.

Dated: March 9, 2015.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2015-05880 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC15-86-000.

*Applicants:* Franklin Resources, Inc.

*Description:* Request for Reauthorization and Extension of Blanket Authorizations Under Section 203 of the Federal Power Act. of Franklin Resources, Inc.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303-5254.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* EC15-87-000.

*Applicants:* JPM Capital Corporation, HA Wind I LLC, The Northwestern Mutual Life Insurance C.

*Description:* Application for Disposition of Facilities of The Northwestern Mutual Life Insurance Company, et. al.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306-5378.

*Comments Due:* 5 p.m. ET 3/27/15.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14-2956-005.

*Applicants:* Hoopeston Wind, LLC.

*Description:* Compliance filing per 35: Hoopeston mbr authorization compliance filing to be effective 11/1/2014.

*Filed Date:* 3/9/15.

*Accession Number:* 20150309-5199.

*Comments Due:* 5 p.m. ET 3/30/15.

*Docket Numbers:* ER15-730-001.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* Compliance filing per 35: 2015-03-09 Attachment L Compliance Filing to be effective 2/22/2015.

*Filed Date:* 3/9/15.

*Accession Number:* 20150309-5200.

*Comments Due:* 5 p.m. ET 3/30/15.

*Docket Numbers:* ER15-1194-000.

*Applicants:* Interstate Power and Light Company, ITC Midwest LLC.

*Description:* Section 205(d) rate filing per 35.13(a)(2)(iii): IPL Amended Exhibits—Operating and Transmission Agreement to be effective 5/5/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306-5342.

*Comments Due:* 5 p.m. ET 3/27/15.

*Docket Numbers:* ER15-1195-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 3250; Queue No. W2-091 to be effective 2/5/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306-5343.

*Comments Due:* 5 p.m. ET 3/27/15.

*Docket Numbers:* ER15-1198-000.

*Applicants:* FirstEnergy Solutions Corp.

*Description:* FirstEnergy Solutions Corp. Request for Authorization to Make Wholesale Power Sales to an Affiliate.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306-5401.

*Comments Due:* 5 p.m. ET 3/27/15.

*Docket Numbers:* ER15-1199-000.

*Applicants:* FirstEnergy Solutions Corp.

*Description:* FirstEnergy Solutions Corp. Request for Authorization to Make Wholesale Power Sales to an Affiliate.

*Filed Date:* 3/9/15.

*Accession Number:* 20150309-5135.

*Comments Due:* 5 p.m. ET 3/30/15.

*Docket Numbers:* ER15-1200-000.

*Applicants:* FirstEnergy Solutions Corp.

*Description:* FirstEnergy Solutions Corp. Request for Authorization to Make Wholesale Power Sales to Affiliated Utility.

*Filed Date:* 3/9/15.

*Accession Number:* 20150309-5139.

*Comments Due:* 5 p.m. ET 3/30/15.

*Docket Numbers:* ER15-1201-000.

*Applicants:* ISO New England Inc.

*Description:* ISO New England Resource Termination for Capacity Supply Obligation DFC-ERG.

*Filed Date:* 3/9/15.

*Accession Number:* 20150309-5184.

*Comments Due:* 5 p.m. ET 3/30/15.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RR15-8-000.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Request of North American Electric Reliability Corporation for Approval of Revisions to NERC's Working Capital and Operating Reserve Policy.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306-5391.

*Comments Due:* 5 p.m. ET 3/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 9, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-05865 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RD15-2-000]

#### Proposed Agency Information Collection

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) invites public comment in Docket No. RD15-2-000 on a proposed change to a collection of information that the Commission is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information,



including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments regarding this proposed information collection must be received on or before May 15, 2015.

**ADDRESSES:** Comments, identified by docket number, may be filed in the following ways:

- **Electronic Filing through <http://www.ferc.gov>.** Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- **Mail/Hand Delivery:** Those unable to file electronically may mail or hand-deliver an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Ellen Brown may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), telephone at (202) 502-8663, and fax at (202) 273-0873.

**SUPPLEMENTARY INFORMATION:** The Commission will submit Reliability Standard PRC-006-2 to OMB for review under FERC-725G (Mandatory Reliability Standards for the Bulk-Power System: PRC Standards, OMB Control No. 1902-0252).<sup>1</sup>

**Type of Request:** Three-year extension of the FERC-725G information collection requirements with the stated changes to the current reporting and record retention requirements.

**Abstract:** The Commission requires the information collected by the FERC-725G to implement the statutory provisions of section 215 of the Federal Power Act (FPA).<sup>2</sup> On August 8, 2005, Congress enacted into law the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).<sup>3</sup> EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.<sup>4</sup>

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.<sup>5</sup> Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO.<sup>6</sup> The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

In Order No. 763, the Commission approved Reliability Standard PRC-006-1, but directed NERC to include explicit language in a subsequent version of the Reliability Standard clarifying that applicable entities are required to implement corrective actions identified by the planning coordinator in accordance with a schedule established by the same planning coordinator.

NERC filed a petition on December 15, 2014 requesting approval of

proposed Reliability Standard PRC-006-2 addressing the Commission's directive in Order No. 763. The NERC petition states that the "[p]roposed Reliability Standard PRC-006-2, through proposed new Requirement R15, and proposed enhanced language of the existing Requirements R9 and R10, requires the Planning Coordinator to develop a schedule for implementation of any necessary corrective actions, and requires that the applicable entities will implement these corrective actions according to the schedule established by the Planning Coordinator."

**Type of Respondents:** Planning coordinators, UFLS entities (as they are defined in the proposed Reliability Standard) and transmission owners that own elements identified in the underfrequency load shedding programs established by the planning coordinators.

**Estimate of Annual Burden:**<sup>7</sup> Our estimate below regarding the number of respondents is based on the NERC compliance registry as of January 30, 2015. According to the NERC compliance registry, there are 80 planning coordinators. The individual burden estimates are based on the time needed to gather data, run studies, and analyze study results to design or update the underfrequency load shedding programs. Additionally, documentation and the review of underfrequency load shedding program results by supervisors and management is included in the administrative estimations. These are consistent with estimates for similar tasks in other Commission approved standards.

Estimates for the additional burden and cost imposed by the order in Docket No. RD15-2-000 follow.<sup>8</sup>

<sup>2</sup> 16 U.S.C. 824o (2012).

<sup>3</sup> Energy Policy Act of 2005, Pub. L. 109-58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824o).

<sup>4</sup> 16 U.S.C. 824o(e)(3).

<sup>5</sup> Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards, Order No. 672, FERC Stats. & Regs. ¶ 31,204, order on reh'g, Order No. 672-A, FERC Stats. & Regs. ¶ 31,212 (2006).

<sup>6</sup> North American Electric Reliability Corp., 116 FERC ¶ 61,062, order on reh'g and compliance, 117 FERC ¶ 61,126 (2006), order on compliance, 118 FERC ¶ 61,190, order on reh'g, 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc. v. FERC*, 564 F.3d 1342 (D.C. Cir. 2009).

<sup>7</sup> The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. 5 CFR 1320.3 (2014) (explaining what is included in the information collection burden).

<sup>8</sup> The only changes to Requirements R9 and R10 and associated measures and evidence retention in Reliability Standard PRC-006-2 (from PRC-006-1) were enhancements to the language which do not impact the cost of implementation. The modifications provide additional clarity and do not affect burden or cost.

<sup>1</sup> In 2012, the Commission initially approved Reliability Standard PRC-006-1. *Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards*, Order No. 763, 139 FERC ¶ 61,098, order granting clarification, 140 FERC ¶ 61,164 (2012). The Commission included Reliability Standard PRC-006-1 under FERC-725A (OMB Control No. 1902-0244). The entire burden associated with Reliability Standard PRC-006-2 (for new requirements as well as those unchanged from PRC-006-1) will be added to FERC-725G. In the future, the burden (an estimated 12,672 hours) associated with Reliability Standard PRC-006-1 will be removed from FERC-725A, to remove the temporary double counting of those hours.

## FERC-725G, AS CHANGED IN RD15-2-000

	Number and type of respondent <sup>9</sup> (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden per response (hours) (4)	Total annual burden (hours) (3) * (4) = (5)	Total annual cost <sup>10</sup> (\$)
Requirement R15 and Measure M15 and evidence retention (planning coordinator that conducts under frequency load shedding design assessment under Requirements R4, R5, or R12 and determines under frequency load shedding program does not meet the performance characteristics in Requirement R3, develops corrective action plans and schedule for implementation by UFLS entities within its area).	80 planning coordinators.	1	80	52 hrs. (47 hrs. for reporting requirements, and 5 hrs. for record retention requirements).	4,160 hrs. (3,760 hrs. for reporting requirements, and 400 hrs. for record retention requirements).	\$285,783 (\$274,179 for reporting requirements, and \$11,604 for record retention requirements).
Total .....	80 planning coordinators.	.....	.....	.....	4,160 .....	\$285,783.

• \$72.92/hour [(\$84.96 + \$60.87)/2], the average of the salary plus benefits for a manager (\$84.96/hour) and an electrical engineer (\$60.87/hour), is used for the hourly cost for the reporting requirements associated with Requirement R15 and Measure M15.

• \$29.01/hour, the salary plus benefits for a file clerk, is used for the hourly cost for the evidence retention requirements associated with Requirement R15 and Measure M15.

Dated: March 9, 2015.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2015-05879 Filed 3-13-15; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### President's Council of Advisors on Science and Technology Meeting (PCAST)

**AGENCY:** Office of Science, Department of Energy.

<sup>9</sup> The number of respondents is based on the NERC compliance registry as January 30, 2015.

<sup>10</sup> The estimates for cost per hour (salary plus benefits) are based on the May 2013 figures of the Bureau of Labor and Statistics (posted as of February 9, 2015 at [http://bls.gov/oes/current/naics3\\_221000.htm](http://bls.gov/oes/current/naics3_221000.htm)).

### ACTION: Notice of Partially-Closed Meeting.

**SUMMARY:** This notice sets forth the schedule and summary agenda for a partially-closed meeting of the President's Council of Advisors on Science and Technology (PCAST), The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** March 27, 2015, 9:00 a.m. to 12:00 p.m.

**ADDRESSES:** The meeting will be held at the National Academy of Sciences, 2101 Constitution Avenue NW., Washington, DC in the Lecture Room.

### FOR FURTHER INFORMATION CONTACT:

Information regarding the meeting agenda, time, location, and how to register for the meeting is available on the PCAST Web site at: <http://whitehouse.gov/ostp/pcast>. A live video webcast and an archive of the webcast after the event are expected to be available at <http://whitehouse.gov/ostp/pcast>. The archived video will be available within one week of the meeting. Questions about the meeting should be directed to Dr. Ashley Predith at [apredith@ostp.eop.gov](mailto:apredith@ostp.eop.gov), (202) 456-4444. Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

**SUPPLEMENTARY INFORMATION:** The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House, cabinet departments, and other Federal agencies. See the Executive Order at <http://www.whitehouse.gov/ostp/pcast>. PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

*Type of Meeting:* Partially Closed.

*Proposed Schedule and Agenda:* The President's Council of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on March 27, 2015 from 9:00 a.m. to 12:00 p.m.

*Open Portion of Meeting:* During this open meeting, PCAST is scheduled to hear from speakers who will remark

about antibiotic resistance and from presenters who will talk about Arctic policy. Additional information and the agenda, including any changes that arise, will be posted at the PCAST Web site at: <http://whitehouse.gov/ostp/pcast>.

**Closed Portion of the Meeting:** PCAST may hold a closed meeting of approximately 1 hour with the President on March 27, 2015, which must take place in the White House for the President's scheduling convenience and to maintain Secret Service protection. This meeting will be closed to the public because such portion of the meeting is likely to disclose matters that are to be kept secret in the interest of national defense or foreign policy under 5 U.S.C. 552b(c)(1).

**Public Comments:** It is the policy of the PCAST to accept written public comments of any length, and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on March 27, 2015 at a time specified in the meeting agenda posted on the PCAST Web site at <http://whitehouse.gov/ostp/pcast>. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

**Oral Comments:** To be considered for the public speaker list at the meeting, interested parties should register to speak at <http://whitehouse.gov/ostp/pcast>, no later than 12:00 p.m. Eastern Time on March 19, 2015. Phone or email reservations will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 15 minutes. If more speakers register than there is space available on the agenda, PCAST will randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee. Speakers are requested to bring at least 25 copies of their oral comments for distribution to the PCAST members.

**Written Comments:** Although written comments are accepted continuously, written comments should be submitted to PCAST no later than 12:00 p.m. Eastern Time on March 19, 2015 so that the comments may be made available to the PCAST members prior to this meeting for their consideration. Information regarding how to submit

comments and documents to PCAST is available at <http://whitehouse.gov/ostp/pcast> in the section entitled "Connect with PCAST."

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site. This notice is being published less than 15 days prior to the meeting date due to inclement weather and programmatic issues, and members' availability.

**Meeting Accommodations:** Individuals requiring special accommodation to access this public meeting should contact Dr. Ashley Predith at least ten business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC, on March 10, 2015.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2015-05945 Filed 3-13-15; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 308-007]

#### **PacifiCorp Energy; Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License (Minor Project).

b. *Project No.:* 308-007.

c. *Date filed:* February 28, 2014.

d. *Applicant:* PacifiCorp Energy (PacifiCorp).

e. *Name of Project:* Wallowa Falls Hydroelectric Project.

f. *Location:* The existing project is located on Royal Purple Creek and the East and West Forks of the Wallowa River in Wallowa County, Oregon. The project would occupy 12.7 acres of federal land managed by the United States Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825 (r).

h. *Applicant Contact:* Russ Howison, Relicensing Project Manager, PacifiCorp Energy, 825 NE Multnomah, Suite 1500, Portland, OR 97232; Telephone (503) 813-6626.

i. *FERC Contact:* Matt Cutlip, (503) 552-2762 or [matt.cutlip@ferc.gov](mailto:matt.cutlip@ferc.gov).

j. *Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-308-007.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The existing Wallowa Falls Hydroelectric Project consists of the following existing facilities: (1) A 2-foot-high, 9-foot-long concrete diversion dam with a 1-foot-wide spillway on Royal Purple Creek; (2) a 240-foot-long, 8-inch-diameter wood-stave and polyvinylchloride pipeline conveying water from the Royal Purple Creek diversion dam to an impoundment; (3) an 18-foot-high, 125-foot-long, buttressed rock-filled timber crib dam with impervious gravel and asphalt core and a 30-foot-wide spillway on the East Fork Wallowa River (East Fork); (4) a 0.2-acre impoundment; (5) a 2-foot-high by 2-foot-wide concrete intake structure with a headgate and steel trash rack; (6) a low-level sluiceway with a steel trash rack and cast iron gate connecting to a 2-foot-diameter steel pipe passing through the

dam to provide instream flow releases to the bypassed reach; (7) a 5,688-foot-long steel penstock varying in diameter from 24 to 16 inches and consisting of buried sections or above-ground sections supported on timber crib trestles; (8) a powerhouse containing one impulse turbine-generator unit with an installed capacity of 1,100 kilowatts; (9) a 40-foot-long concrete-lined tailrace which conveys powerhouse flows to a 1,000-foot-long unlined and braided tailrace channel discharging into the West Fork Wallowa River (West Fork); (10) a 20-foot-long, 7.2-kilovolt transmission line which connects to the Wallowa Falls substation; and (11) appurtenant facilities.

The project currently generates an average of 7 million kilowatt-hours annually. The dams and existing project facilities are owned by PacifiCorp. The project is operated run-of-river. Up to 1 cubic feet per second (cfs) of flow is diverted from Royal Purple Creek and discharged into the impoundment. Up to 16 cfs of water (*i.e.*, 15 cfs maximum from East Fork and 1 cfs from Royal Purple Creek) is diverted through the intake structure at the East Fork dam into the steel penstock and conveyed to the powerhouse where it flows through the single impulse turbine and discharges through the tailrace into the West Fork. The project's current license requires a minimum instream flow release of 0.5 cfs or inflow, whichever is less, in the bypassed reach. The current license also mandates that PacifiCorp restrict sediment flushing from the impoundment to the period from May 1 to August 30 to protect kokanee salmon.

PacifiCorp proposes to modify the existing facilities by: (1) Extending the existing 8-inch Royal Purple Creek diversion pipe approximately 20 feet to discharge directly into the East Fork upstream of the project impoundment to reduce erosion, (2) realigning the existing tailrace channel and constructing a permanent fish passage barrier and concrete outfall at its confluence with the West Fork to prevent fish from entering the tailrace channel, (3) improving existing and constructing new recreational facilities to enhance recreation in the project area, and (4) installing and operating flow monitoring equipment at the historic U.S. Geological Survey gage in the East Fork bypassed reach to monitor compliance with minimum flows. PacifiCorp also proposes to: Increase the minimum flow release in the bypassed reach to 4 cfs from November through April and 5 cfs from May through October, and modify the sediment management program to only enable

sediment flushing during the high-flow month of June.

PacifiCorp proposes to modify the project boundary by adding about 8.4 acres to encompass a total of 26.4 acres of land necessary for project purposes and for operation and maintenance.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**n. Procedural Schedule:**

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	May 2015.
Commission issues EA Comments on EA .....	September 2015. October 2015.

Milestone	Target date
Modified terms and conditions.	December 2015.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

p. A license applicant must file no later than 60 days following the date of issuance of the notice of ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 6, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-05870 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

[FE Docket No. 14-173-LNG]

### **Downeast LNG, Inc.; Application for Long-Term Authorization To Export Liquefied Natural Gas Produced From Domestic Natural Gas Resources to Non-Free Trade Agreement Countries for a 20-Year Period**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on October 15, 2014, by Downeast LNG, Inc. (DELNG), requesting long-term, multi-contract authorization to export domestically produced natural gas in a volume equivalent to approximately 168 billion cubic feet (Bcf) per year, or approximately 0.46 Bcf per day. DELNG seeks authorization to export the natural gas as liquefied natural gas (LNG) by vessel from its proposed LNG terminal to be located in Robbinston, Maine, referred to as the Downeast LNG Import-Export Project.

DELNG requests authorization to export LNG to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (non-FTA countries). DELNG requests this non-FTA export authorization for a 20-year term to commence on the earlier of the date of first export or eight years from the date the authorization is

granted. DELNG requests this authorization both on its own behalf and as agent for other entities who hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in DELNG's Application, posted on the DOE/FE Web site at: [http://energy.gov/sites/prod/files/2014/10/f18/14\\_173\\_lng\\_nfta\\_talbert.pdf](http://energy.gov/sites/prod/files/2014/10/f18/14_173_lng_nfta_talbert.pdf). Protests, motions to intervene, notices of intervention, and written comments are invited.

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 15, 2015.

**ADDRESSES:**

**Electronic Filing by email**

[fergas@hq.doe.gov](mailto:fergas@hq.doe.gov)

**Regular Mail**

U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

**Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.)**

U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Larine Moore or Marc Talbert, U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478; (202) 586-7991.

Cassandra Bernstein U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586-9793.

**SUPPLEMENTARY INFORMATION:**

**DOE/FE Evaluation**

The Application will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. To the extent determined to be relevant, these issues will include the domestic need for the natural gas proposed to be exported, the adequacy of domestic

natural gas supply, U.S. energy security, and the cumulative impact of the requested authorization and any other LNG export application(s) previously approved on domestic natural gas supply and demand fundamentals. DOE may also consider other factors bearing on the public interest, including the impact of the proposed exports on the U.S. economy (including GDP, consumers, and industry), job creation, the U.S. balance of trade, and international considerations; and whether the authorization is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);<sup>1</sup> and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260 (June 4, 2014).<sup>2</sup>

Parties that may oppose this Application should address these issues in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

**Public Comment Procedures**

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Due to the complexity of the issues raised by the Applicant, interested parties will be provided 60 days from the date of publication of this Notice in which to submit their comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although

protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov), with FE Docket No. 14-173-LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Oil and Gas Global Supply at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 14-173-LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address:

<sup>1</sup> The Addendum and related documents are available at: <http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

<sup>2</sup> The Life Cycle Greenhouse Gas Report is available at: <http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

<http://www.fe.doe.gov/programs/gasregulation/index.html>.

Issued in Washington, DC, on March 10, 2015.

**John A. Anderson,**

*Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.*

[FR Doc. 2015-05952 Filed 3-13-15; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* PR15-23-000.  
*Applicants:* Bridgeline Holdings, L.P.  
*Description:* Submits tariff filing per 284.123(e) + (g): SOC Contact Updates to be effective 3/1/2015; Filing Type: 1280.

*Filed Date:* 2/26/15.  
*Accession Number:* 20150226-5194.  
*Comments Due:* 5 p.m. ET 3/19/15.  
*284.123(g) Protests Due:* 5 p.m. ET 4/27/15.

*Docket Numbers:* PR15-24-000.  
*Applicants:* Centana Intrastate Pipeline, LLC.

*Description:* Submits tariff filing per 284.123(b)(2) + (g): CIPCO Rate Case to be effective 3/1/2015; Filing Type: 1310.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5335.  
*Comments Due:* 5 p.m. ET 3/20/15.  
*284.123(g) Protests Due:* 5 p.m. ET 4/28/15.

*Docket Numbers:* PR15-25-000.  
*Applicants:* Enable Oklahoma Intrastate Transmission, LLC.  
*Description:* Submits tariff filing per 284.123(e) + (g): Revised Fuel Percentages April 1, 2015 through March 31, 2016 to be effective 4/1/2015; Filing Type: 1280.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5536.  
*Comments Due:* 5 p.m. ET 3/20/15.  
*284.123(g) Protests Due:* 5 p.m. ET 4/28/15.

*Docket Numbers:* RP15-556-000.  
*Applicants:* High Island Offshore System, L.L.C.

*Description:* High Island Offshore System, L.L.C. 2015 Annual Fuel Filing.  
*Filed Date:* 2/26/15.

*Accession Number:* 20150226-5350.  
*Comments Due:* 5 p.m. ET 3/10/15.

*Docket Numbers:* RP15-597-000.  
*Applicants:* Crossroads Pipeline Company.

*Description:* Crossroads Pipeline Company Annual Transportation Retainage Adjustment Filing.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5583.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-598-000.  
*Applicants:* Dauphin Island Gathering Partners.

*Description:* Storm Surcharge Filing, no change in rate of Dauphin Island Gathering Partners.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5584.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-599-000.  
*Applicants:* Hardy Storage Company, LLC.

*Description:* Hardy Storage Company, LLC Operational Transactions Report 2014.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5585.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-600-000.  
*Applicants:* Columbia Gulf Transmission, LLC.

*Description:* Columbia Gulf Transmission, LLC Operational Transactions Report 2014.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5586.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-601-000.  
*Applicants:* Crossroads Pipeline Company.

*Description:* Crossroads Pipeline Company Operational Transactions Report 2014.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5587.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-602-000.  
*Applicants:* Millennium Pipeline Company, LLC.

*Description:* Millennium Pipeline Company, LLC Operational Transactions Report 2014.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5589.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-603-000.  
*Applicants:* TransColorado Gas Transmission Company L.

*Description:* TransColorado Gas Transmission Company LLC 2014 Annual Fuel Gas Reimbursement Percentage Report.

*Filed Date:* 2/27/15.  
*Accession Number:* 20150227-5592.  
*Comments Due:* 5 p.m. ET 3/11/15.  
*Docket Numbers:* RP15-604-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) rate filing per 154.204: 03/03/15 Negotiated Rates—Sequent Energy Management (HUB) 3075-89 to be effective 3/2/2015.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303-5077.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-605-000.

*Applicants:* ExxonMobil LNG Supply LLC.

*Description:* Joint Petition for Waiver of ExxonMobil LNG Supply LLC, et al.  
*Filed Date:* 2/27/15.

*Accession Number:* 20150227-5607.  
*Comments Due:* 5 p.m. ET 3/11/15.

*Docket Numbers:* RP15-607-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) rate filing per 154.204: 03/03/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275-89 to be effective 3/2/2015.

*Filed Date:* 3/3/15.  
*Accession Number:* 20150303-5151.  
*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-608-000.  
*Applicants:* Northern Natural Gas Company.

*Description:* § 4(d) rate filing per 154.204: 20150303 Negotiated Rate to be effective 3/4/2015.

*Filed Date:* 3/3/15.  
*Accession Number:* 20150303-5216.  
*Comments Due:* 5 p.m. ET 3/16/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP15-485-001.  
*Applicants:* Guardian Pipeline, L.L.C.

*Description:* Tariff Amendment per 154.205(b): Amendment to Docket No. RP15-485-000—Negotiated Rate PAL with Exelon to be effective 2/20/2015.

*Filed Date:* 3/3/15.  
*Accession Number:* 20150303-5215.  
*Comments Due:* 5 p.m. ET 3/16/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated March 4, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-05866 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No., 2232-610]

#### Duke Energy Carolinas, LLC; Notice of Effectiveness of Withdrawal of Rehearing Request

On August 11, 2009, Duke Energy Carolinas, LLC (Duke Energy), filed a petition asking the Commission to declare that the state of South Carolina has waived its water quality certification for the relicensing of Duke Energy's Catawba-Wateree Hydroelectric Project No. 2232. On April 17, 2014, the Commission denied the petition.<sup>1</sup> On May 16, 2014, Duke Energy filed a request for rehearing. By delegated order issued June 16, 2014, rehearing was granted for the limited purpose of further consideration.

On August 5, 2014, based on an agreement among Duke Energy, two environmental stakeholders, and South Carolina's water quality agency, Duke Energy filed a motion to stay deliberation on the rehearing request. On February 18, 2015, having received a final water quality certification from the state, Duke Energy filed a notice of withdrawal of its rehearing request.

Pursuant to Rule 216 of the Commission's Rules of Practice and Procedure,<sup>2</sup> the withdrawal of any pleading is effective at the end of 15 days from the date the notice of withdrawal is filed if, within that period, no motion in opposition to the notice is filed and the Commission takes no action disallowing withdrawal. The 15-day period closed on March 5, 2015. No such pleading was filed, and the Commission took no such action. Accordingly, Duke Energy's rehearing request is withdrawn and this proceeding is thereby terminated.

Dated: March 6, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-05871 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP15-101-000]

#### Midwestern Gas Transmission Company; Notice of Request Under Blanket Authorization

Take notice that on February 27, 2015, Midwestern Gas Transmission Company, (Midwestern Gas), 100 West 5th Street, Tulsa, Oklahoma 74103, filed in the above Docket, a prior notice request pursuant to section 157.210 of the Commission's regulations under the Natural Gas Act (NGA) requesting authorization to construct and operate the Herscher Compressor Station Project (Project), in Kankakee County, Illinois. Specifically, Midwestern proposes to construct an approximately 15,000-horsepower natural gas fired engine compressor station that will allow it to provide up to 125,000 dekatherms per day of firm transportation service on its system. Midwestern estimates the cost of the Project to be approximately \$25,900,453, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or TTY, contact (202) 502-8659.

Any questions concerning this application may be directed to Denise Adams, Manager Rates and Regulatory Analysis, Midwestern Gas Transmission Company, 100 West 5th Street, Tulsa, Oklahoma, at (918) 732-1408.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commentary will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site ([www.ferc.gov](http://www.ferc.gov)) under the "e-Filing" link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: March 9, 2015.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2015-05881 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>1</sup> *Duke Energy Carolinas, LLC*, 147 FERC ¶ 61,037.

<sup>2</sup> 18 CFR 385.216 (2014).



**DEPARTMENT OF ENERGY****Advanced Scientific Computing Advisory Committee (ASCAC)**

**AGENCY:** Office of Science, Department of Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Tuesday, March 24, 2015; 8:30 a.m.–5:30 p.m.

**ADDRESSES:** American Geophysical Union, (AGU), 2000 Florida Avenue NW., Washington, DC 20009-1277.

**FOR FURTHER INFORMATION CONTACT:**

Melea Baker, Office of Advanced Scientific Computing Research; SC-21/ Germantown Building; U. S. Department of Energy; 1000 Independence Avenue SW.; Washington, DC 20585-1290; Telephone (301) 903-7486.

**SUPPLEMENTARY INFORMATION:** *Purpose of the Board:* The Board provides advice and recommendations to the Office of Scientific Computing Research and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

*Purpose of the Meeting:* This meeting is the semi-annual meeting of the Committee.

*Tentative Agenda:* Agenda will include discussions of the following:

- View from Washington (an update on the budget and planned activities of the Office of Science and the Department)
- View from Germantown (an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program)
- Update from the Subcommittee reviewing the Department's Exascale Plan
- Update from Subcommittee on the Office of Scientific and Technical Information (OSTI)
- Program response to report from the SciDAC Committee of Visitors (COV)
- A technical presentation from an early career researcher in Computer Science
- Public Comment (10-minute rule)

The meeting will conclude at 5:30 p.m. Agenda updates and presentations will be posted on the ASCAC Web site prior to the meeting: <http://science.energy.gov/ascr/ascac/>.

*Public Participation:* The meeting is open to the public. To access the Ready Talk call:

1. Dial Toll-Free Number: 866-740-1260 (U.S. & Canada)
2. International participants dial: <http://www.readytalk.com/intl>
3. Enter access code 9039560, followed by “#”

Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 11:30 a.m. on March 9th. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585, email to: [Christine.Chalk@science.doe.gov](mailto:Christine.Chalk@science.doe.gov). This notice is being published less than 15 days prior to the meeting date due to inclement weather and programmatic issues, and members' availability.

*Minutes:* The minutes of this meeting will be available on the U.S. Department of Energy's Office of Advanced Scientific Computing Web site at <http://science.energy.gov/ascr/ascac/>

Issued at Washington, DC, on March 10, 2015.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2015-05943 Filed 3-13-15; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP15-606-000.

*Applicants:* High Point Gas Transmission, LLC.

*Description:* High Point Gas Transmission, LLC submits its Annual Unaccounted for Gas Retention Filing.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5381.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-609-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) rate filing per 154.204: 03/04/15 Negotiated Rates—Freeport Commodities LLC (RTS) 7250-12 to be effective 4/1/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5101.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-610-000.

*Applicants:* Enable Gas Transmission, LLC.

*Description:* Section 4(d) rate filing per 154.204: Negotiated Rate Filing—March 2015—LER 0222 Att A to be effective 3/4/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5156.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-611-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) rate filing per 154.204: 03/04/15 Negotiated Rates—Trafigura Trading LLC (RTS) 7445-05 to be effective 4/1/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5162.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-612-000.

*Applicants:* Northern Natural Gas Company.

*Description:* Section 4(d) rate filing per 154.204: 20150304 Negotiated Rate to be effective 3/4/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5170.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-613-000.

*Applicants:* Guardian Pipeline, L.L.C.

*Description:* Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—Twin Eagle Resources, LLC to be effective 3/5/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5177.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-614-000.

*Applicants:* Enable Mississippi River Transmission, L.

*Description:* Section 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A 3-4-15 to be effective 3/4/2015.

*Filed Date:* 3/4/15.

*Accession Number:* 20150304-5178.

*Comments Due:* 5 p.m. ET 3/16/15.

*Docket Numbers:* RP15-615-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* Section 4(d) rate filing per 154.204: Non-Conforming Agreements Filing (AEPFO) to be effective 4/1/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150305-5000.

*Comments Due:* 5 p.m. ET 3/11/15.

*Docket Numbers:* RP15-616-000.

*Applicants:* Guardian Pipeline, L.L.C.



*Description:* Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreements—MIECO, Inc. & Koch Energy Services, LLC to be effective 5/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5095.

*Comments Due:* 5 p.m. ET 3/18/15.

*Docket Numbers:* RP15–617–000.

*Applicants:* American Midstream (Midla), LLC.

*Description:* Section 4(d) rate filing per 154.204: Midla Elimination of ITS Revenue Crediting to be effective 4/6/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5235.

*Comments Due:* 5 p.m. ET 3/18/15.

*Docket Numbers:* RP15–618–000.

*Applicants:* Discovery Gas Transmission LLC.

*Description:* Section 4(d) rate filing per 154.204: 2015 Spring Tariff Revisions to be effective 4/5/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5282.

*Comments Due:* 5 p.m. ET 3/18/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP15–262–002.

*Applicants:* American Midstream (Midla), LLC.

*Description:* Compliance filing per 154.203: Midla Compliance Filing in RP15–262 to be effective 2/1/2015.

*Filed Date:* 2/19/15.

*Accession Number:* 20150219–5097.

*Comments Due:* 5 p.m. ET 3/12/15.

*Docket Numbers:* RP11–1541–001.

*Applicants:* Portland Natural Gas Transmission System.

*Description:* Compliance filing per 154.203: Compliance to RP10–729–000 (RP11–1541–000) (1 of 3) to be effective 12/1/2010.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5131.

*Comments Due:* 5 p.m. ET 3/18/15.

*Docket Numbers:* RP11–1541–002.

*Applicants:* Portland Natural Gas Transmission System.

*Description:* Compliance filing per 154.203: Compliance to RP10–729–000 (RP11–1541–000) (2 of 3) to be effective 10/1/2011.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5134.

*Comments Due:* 5 p.m. ET 3/18/15.

*Docket Numbers:* RP11–1541–003.

*Applicants:* Portland Natural Gas Transmission System.

*Description:* Compliance filing per 154.203: Compliance to RP10–729–000 (RP11–1541–000) (3 of 3) to be effective 10/1/2013.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5137.

*Comments Due:* 5 p.m. ET 3/18/15.

*Docket Numbers:* RP15–615–001.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* Tariff Amendment per 154.205(b): Correction to Non-Conforming Agreements Filing to be effective 4/1/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5135.

*Comments Due:* 5 p.m. ET 3/11/15.

*Docket Numbers:* RP15–533–001.

*Applicants:* ANR Pipeline Company.

*Description:* Tariff Amendment per 154.205(b): Amendment to RP15–533–000 to be effective 4/1/2015.

*Filed Date:* 3/6/15.

*Accession Number:* 20150306–5078.

*Comments Due:* 5 p.m. ET 3/13/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–05867 Filed 3–13–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IN15–5–000]

#### City Power Marketing, LLC; K. Stephen Tsingas; Notice of Designation of Commission Staff As Non-Decisional

With respect to an order issued by the Commission on March 6, 2015 in the above-captioned docket,<sup>1</sup> with the

<sup>1</sup> *City Power Marketing, LLC and K. Stephen Tsingas*, 150 FERC ¶ 61,176 (2015).

exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket.

Accordingly, pursuant to 18 CFR 385.2202 (2014), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2014), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Larry Gasteiger, Geof Hobday, Tegan Flynn, Jay Matson, Jeremy Medovoy, Paul Varnado, Sean Collins, Carrie Milton, John Karp, Taylor Martin, Jamie Marcos.

Dated: March 6, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–05869 Filed 3–13–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL15–51–000]

#### City Water and Light Plant of the City of Jonesboro; Notice of Filing

Take notice that on March 6, 2015, the City Water and Light Plant of the City of Jonesboro submitted an application of cost-based revenue requirements schedule for reactive power production capability.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the

Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for electronic review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern Time on March 27, 2015.

Dated: March 9, 2015.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2015-05878 Filed 3-13-15; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9922-70-OEI]

### Agency Information Collection Activities OMB Responses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This document announces the Office of Management and Budget (OMB) responses to Agency clearance requests in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

**FOR FURTHER INFORMATION CONTACT:** Courtney Kerwin (202) 566-1669, or email at [kerwin.courtney@epa.gov](mailto:kerwin.courtney@epa.gov) and please refer to the appropriate EPA Information Collection Request (ICR) Number.

#### SUPPLEMENTARY INFORMATION:

### OMB Responses to Agency Clearance Requests

#### OMB Approvals

EPA ICR Number 0976.17; 2015 Hazardous Waste Report, Notification of Regulated Waste Activity, and Part A Hazardous Waste Permit Application and Modification (Renewal); 40 CFR parts 262, 262.41, 263, 264, 264.75, 265,

266, 270, 273, and 279; 42 CFR parts 262, 263, 264, 265, 266, 270, 273, and 279; was approved with change on 1/28/2015; OMB Number 2050-0024; expires on 1/31/2017.

#### Comment Filed

EPA ICR Number 2465.02; NSPS for Greenhouse Gas Emissions for New Electric Utility Generating Units (40 CFR part 60, subpart TTTT) (Proposed Rule); 40 CFR part 60, subpart TTTT; OMB filed comment on 1/20/2015.

#### Courtney Kerwin,

*Acting Director, Collections Strategies Division.*

[FR Doc. 2015-05934 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2014-0593; FRL 9923-54-OEI]

### Information Collection Request Submittal to OMB for Review and Approval; Comment Request; 2015 Drinking Water Infrastructure Needs Survey and Assessment (Reinstatement)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) has submitted an information collection request (ICR), “2015 Drinking Water Infrastructure Needs Survey and Assessment (Reinstatement)” (EPA ICR No. 2234.04, OMB Control No. 2040-0274) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a request to reinstate a previously discontinued collection. Public comments were previously requested via the **Federal Register** (79 FR 65209) on November 3, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given in this notice, including the ICR’s estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before April 15, 2015.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OW-2014-0593, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (EPA’s preferred

method), by email to [ow-docket@epa.gov](mailto:ow-docket@epa.gov) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

Robert Barles, Drinking Water Protection Division (Mail Code 4606M), Office of Ground Water and Drinking Water, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: 202-564-3814; fax number: 202-564-3754; email address: [barles.robert@epa.gov](mailto:barles.robert@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents that explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

**Abstract:** The purpose of this information collection is to identify the infrastructure needs of public water systems for the 20-year period from January 2015 through December 2034. EPA’s Office of Ground Water and Drinking Water will collect these data to comply with sections 1452(h) and 1452(i)(4) of the Safe Drinking Water Act (42 U.S.C. 300j-12). The Agency will use a questionnaire to collect capital investment need information from selected community water systems serving more than 3,300 persons. Participation in the survey is voluntary. The data from the questionnaires will provide the Agency with new information from the field to assist in the 2015 update to the Agency’s assessment of the nationwide infrastructure needs of public water systems. Also, as mandated by section 1452(a)(1)(D)(ii) of the Safe Drinking Water Act, EPA uses the results of the latest survey to allocate Drinking Water State Revolving Fund (DWSRF) monies to the states. Under the allotment

formula, each state receives a grant of the annual DWSRF appropriation in proportion to the state's share of the total national need, with the proviso that each state receives at least one percent of the total funds available.

*Form Numbers:* 6100-02.

*Respondents/affected entities:* Community water systems and State Agencies.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 2,915 (total).

*Frequency of response:* One time.

*Total estimated burden:* 12,398 hours (average per year over three years).

Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$578,001 (average per year over three years), includes \$0 annualized capital or operation and maintenance costs.

*Changes in Estimates:* There is a decrease of 11,000 hours in the total estimated respondent burden compared with the ICR previously approved by OMB. This burden reduction is due to the use of statistical methods such as random sampling and extrapolation, which will reduce the number of respondents.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2015-05936 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2015-0056; FRL-9923-96-OW]

### National Advisory Council for Environmental Policy and Technology; Request for Nominations to NACEPT Subcommittee

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates for serving on a new subcommittee under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify assumable waters for dredge and fill permit programs pursuant to the Clean Water Act section 404(g)(1). The EPA is undertaking this effort to support states and tribes that wish to assume the program. Members are anticipated to be selected by June 15, 2015. Sources in

addition to this **Federal Register** document may be utilized in the solicitation of nominees.

**DATES:** Nominations must be emailed or postmarked no later than May 15, 2015.

**ADDRESSES:** Nominations should be emailed or submitted in writing to Laura Bachle at the address listed under **FOR FURTHER INFORMATION CONTACT**.

#### FOR FURTHER INFORMATION CONTACT:

Mail: Laura Bachle, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Wetlands, Oceans and Watersheds (MC 4502T), 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 566-2468; email: [assumablewaters@epa.gov](mailto:assumablewaters@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this Action apply to me?

This action is directed to the public in general, and may be of particular interest to persons who work in Clean Water Act and wetland programs. Potentially affected entities may include, but are not limited to: Environmental groups; state, local, and tribal governments; private sector entities who frequently seek Clean Water Act section 404 permits; academia; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OW-2015-0056, is available at <http://www.regulations.gov> or at the Office of Water Regulatory Public Docket in the Environmental Protection Agency Docket Center (EPA/DC), WJC West Building, Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets/>.

### II. Background

The NACEPT is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92-463. The EPA established the NACEPT in 1988 to provide advice to the EPA Administrator on a broad range of environmental policy, management and technology issues. The EPA is now seeking to form a subcommittee under

the NACEPT, to be known as the "Assumable Waters Subcommittee" to provide advice on how the EPA can best clarify the waters that a state or tribe may assume permitting responsibility for under an approved Clean Water Act dredge and fill permit program. Subcommittee members, like the parent NACEPT committee, serve as representatives from academia, industry, non-governmental organizations, and state, local, and tribal governments. It is important to note that other federal agencies have specific interest in this matter and thus will also be solicited for their participation on this subcommittee.

The subcommittee is being formed to provide advice concerning a focused but critical aspect of implementing the Clean Water Act's permit program for the discharge of dredge and fill materials. The U.S. Army Corps of Engineers currently evaluates permit applications for construction activities in the majority of the nation's waters subject to the Clean Water Act. Although states and tribes may assume the dredge and fill permit responsibilities pursuant to section 404(g) of the Clean Water Act, only two states (Michigan and New Jersey) and no tribes have assumed the program to date. If a state or tribe is considering assuming such responsibilities, among the first questions that need to be answered is for which waters will the state or tribe assume permitting responsibility and for which waters the U.S. Army Corps of Engineers will retain permitting authority. States have raised concerns to the EPA that section 404 of the Clean Water Act and its implementing regulations lack sufficient clarity to enable states and tribes to estimate the extent of permit program responsibilities they would assume and associated program implementation costs (Stoner letter from the Environmental Council of States, the Association of Clean Water Administrators, and the Association of State Wetland Managers April 30, 2014. Letter in the docket.). The lack of clarity on these questions could discourage states and tribes from pursuing assumption as envisioned under the Clean Water Act.

The Assumable Waters Subcommittee will have a limited duration and narrow focus. Other aspects of state or tribal assumption will not be in scope for the deliberations of this advisory committee. For example, the subcommittee will not be deliberating on the merits of assumption. It will focus on how the EPA can clarify the waters for which a state or tribe may assume Clean Water Act section 404

permitting responsibility and the waters for which the U.S. Corps of Engineers retains this authority.

The subcommittee would meet approximately four to six times following initiation of the group for twelve months to sixteen months face-to-face or via video/teleconference. Additionally, members may be asked to participate in ad hoc workgroups to develop potential policy recommendations and reports to address specific issues. Members would serve on the subcommittee in a voluntary capacity. The workload for the members would average approximately ten to twenty hours per month. The EPA may provide reimbursement for travel and incidental expenses associated with such official government business on an as-needed basis.

The EPA is seeking nominations from candidates representing state, tribal, and local governments/communities, as well as other stakeholders who are familiar with federalism, intergovernmental operations and the state, tribal and federal dredge and fill permit provisions of the Clean Water Act.

**Member nominations:** Any interested person and/or organization may nominate qualified individuals for membership. The EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the Agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the balance in representation needed to consider the issue at hand: state and tribal governments who have or are interested in assuming the Clean Water Act section 404 program; national associations who represent state and tribal interests in wetlands and/or water quality; local governments; environmental organizations; or industry sectors that require Clean water Act section 404 permits. Unless otherwise prescribed by statute, members generally are appointed to two-year terms or until the charge is addressed, whichever is first. Nominees will be considered according to the mandates of FACA, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups.

Other criteria used to evaluate nominees will include:

- Professional knowledge of environmental policy, management, and organizational development, particularly in the area of co-regulation by states and tribes under federalism;
- Demonstrated experience with Clean Water Act section 404; Clean

Water Act section 404(g); or state or tribal wetland programs at the state or local level;

- Ability to assess and analyze environmental and institutional challenges with objectivity and integrity;
- Excellent interpersonal, oral and written communication, and consensus-building skills;
- Willingness to commit time to the Committee and demonstrated ability to work constructively on committees including participation on video/teleconference meetings and preparation of text for subcommittee reports and advice letters;
- Absence of personal financial conflicts of interest;
- Background and experiences that would help members contribute to the diversity of perspectives on the Council, e.g., geographic, economic, social, cultural, educational backgrounds, professional affiliations; and background and experiences that would help members contribute to the diversity in perspective critical to this issue.

If you know a qualified person who might be, or if you yourself are interested in serving on the subcommittee, follow the instructions under How to Submit Nominations. Nomination (application) packages should be submitted before the deadline of May 15, 2015.

### III. How To Submit Nominations

Any interested person and/or organization may nominate qualified individuals to be considered for appointment to this advisory subcommittee. Individuals may self-nominate.

Nominations may be submitted in electronic format (preferred) or mailed to Laura Bachle at the address listed under **FOR FURTHER INFORMATION CONTACT**, using the subject line "NACEPT Subcommittee Membership Recruitment 2014" to [assumablewaters@epa.gov](mailto:assumablewaters@epa.gov). The Designated Federal Official will acknowledge receipt of nominations.

To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number.
- Brief statement describing the nominee's interest in serving on the NACEPT subcommittee. In preparing the statement of interest, please describe how the nominee's background, knowledge, and experience will bring

value to the work of the subcommittee, and how these qualifications would contribute to the overall diversity of the subcommittee. Also, be sure to describe any previous involvement of the nominee with the Agency through employment, grant funding and/or contracting sources.

- Résumé and a short biography (no more than two paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, and any current or previous service on advisory committees.

- A letter authorizing the nominee to represent the point(s) of view of a specific entity or group (such as an industry association, state or local government, environmental group, etc.) that has an interest in the subject matter under the subcommittee's charge.

- A recommendation letter from a third party or individual supporting the nominee—this letter is separate and in addition to the authorization letter. This letter should describe how the nominee's background and skills would support the subcommittee's task.

Other sources, in addition to this **Federal Register** document, may also be utilized in the solicitation of nominees. To help the Agency in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity.

Dated: March 10, 2015.

**Benita Best-Wong,**

*Director, Office of Wetlands, Oceans, and Watersheds.*

[FR Doc. 2015-05925 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OECA-2014-0093; FRL-9223-18-OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units (Renewal)

**AGENCY:** Environmental Protection Agency, (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), "NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units (40 CFR part 63, subpart UUUUU) (Renewal)" (EPA ICR No. 2137.07, OMB Control No. 2060-0567) to the Office of Management and Budget (OMB) for review and approval

in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through April 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before April 15, 2015.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2014-0093, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: [yellin.patrick@epa.gov](mailto:yellin.patrick@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

**Abstract:** Potential respondents are owners and operators of coal- and oil-fired electric utility steam generating units (EGUs). The final rule regulates

HCl, filterable PM, Hg, and organic HAP from coal-fired EGUs. For oil-fired EGUs, the final rule regulates HCl, HF, filterable PM, and organic HAP. Following initial performance tests, owners/operators of EGUs will be required to demonstrate compliance with emission limits through continuously monitoring PM, Hg, HCl, and HF (oil-fired EGUs) emissions. The final rule includes a work practice standard for organic HAP; the work practice standard requires the implementation of periodic burner tune-up procedures. Respondents will be required to notify EPA of performance tests and CEMS demonstrations, and to maintain records demonstrating compliance with each emission limit and work practice standard. This information is being collected to assure compliance with 40 CFR part 63, subpart UUUUU.

**Form Numbers:** None.

**Respondents/affected entities:**

Owners and operators of coal and oil-fired EGUs.

**Respondent's obligation to respond:** Mandatory (40 CFR part 63, subpart UUUUU).

**Estimated number of respondents:** 1,254 (total).

**Frequency of response:** Initially, occasionally and semiannually.

**Total estimated burden:** 670,241 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$67,306,156 (per year), includes \$1,685,748 annualized capital or operation & maintenance costs.

**Changes in the Estimates:** There is a decrease of 30,055 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. These changes are because the standard has been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2015-05935 Filed 3-13-15; 8:45 am]

**BILLING CODE 6560-50-P**

## EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2015-0007]

**Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP088968XX**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice.

**SUMMARY:** This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States ("Ex-Im Bank"), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction. Comments received will be made available to the public.

**DATES:** Comments must be received on or before April 10, 2015 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

**ADDRESSES:** Comments may be submitted through [Regulations.gov](http://Regulations.gov) at [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV). To submit a comment, enter EIB-2015-0007 under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB-2015-0007 on any attached document.

**SUPPLEMENTARY INFORMATION:**

**Reference:** AP088968XX.

**Purpose And Use:**

**Brief description of the purpose of the transaction:** To support the export of U.S.-manufactured commercial aircraft to China.

**Brief non-proprietary description of the anticipated use of the items being exported:** To be used for airline service in China and between China and regional destinations. To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

**Parties:** Principal Supplier: The Boeing Company, Obligor: Hainan Airlines, Guarantor(s): N/A.

**Description Of Items Being Exported:** Boeing 737 aircraft.

**Information On Decision:** Information on the final decision for this transaction will be available in the "Summary Minutes of Meetings of Board of Directors" on <http://exim.gov/newsandevents/boardmeetings/board/>.

**Confidential Information:** Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United

States by supplying information that competitors could use to compete with companies in the United States.

**Lloyd Ellis,**

*Program Specialist, Office of the General Counsel.*

[FR Doc. 2015-05903 Filed 3-13-15; 8:45 am]

BILLING CODE 6690-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 15-116]

### Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline; May 29, 2015 Deadline Also Applicable to Class A Television Stations Converting to Digital

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces that May 29, 2015 has been established as the Pre-Auction Licensing Deadline. This is the date by which full power and Class A facilities must be licensed or have on file with the Commission a license to cover application in order to be protected in the repacking process or be eligible for voluntary relinquishment of spectrum usage rights as part of the television incentive auction.

**DATES:** The Pre-Auction Licensing Deadline for all full power and Class A television facilities is May 29, 2015.

**FOR FURTHER INFORMATION CONTACT:** Kevin Harding or Evan Morris, Video Division, Media Bureau, Federal Communications Commission, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** The Media Bureau has designated May 29, 2015, as the Pre-Auction Licensing Deadline by which full power and Class A facilities must be licensed in order to be eligible for protection in the repacking process that will be part of the television incentive auction. The Pre-Auction Licensing Deadline will also determine which facilities are eligible for voluntary relinquishment of spectrum usage rights in the incentive auction. The term “licensed” encompasses both licensed facilities and those subject to a pending license to cover application (*i.e.*, FCC Form 302-DTV or 302-CA).

In the *Incentive Auction R&O*, the Commission concluded that all full power and Class A facilities that were licensed as of February 22, 2012, are entitled to mandatory protection. The Commission also concluded that the public interest would be served by extending discretionary protection to

certain categories of facilities that were not licensed as of February 22, 2012; however, with limited exception, it required that these facilities be licensed by the Pre-Auction Licensing Deadline. See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, *Report and Order*, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*). Although some of the facilities that are subject to discretionary protection have already been licensed, there are still authorized facilities in the following categories that remain unlicensed at this time including: (1) Full power facilities authorized in outstanding construction permits issued to effectuate a channel substitution for a licensed station. This includes construction permits for stations seeking to relocate from channel 51 pursuant to voluntary relocation agreements with Lower 700 MHz A Block licensees; (2) Modified facilities of full power and Class A stations that were authorized by construction permits granted on or before April 5, 2013, the date of the Media Bureau’s *Freeze PN*, Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate, *Public Notice*, 28 FCC Rcd 4364 (2013) (*Freeze PN*), or that have been authorized by construction permits that were granted after April 5, 2013 and are in compliance with the *Freeze PN*; and (3) Class A stations’ initial digital facilities that were not initially licensed until after February 22, 2012, including those that were not authorized until after the *Freeze PN*. See *Incentive Auction R&O*, 29 FCC Rcd at 6657-65, paras 198-218.

Accordingly, all facilities in these discretionary protection categories, with limited exception for stations affected by the destruction of the World Trade Center, must be licensed or have an application for a license to cover the construction permit on file by May 29, 2015, in order for these facilities to be protected in the repacking process. Licensees affected by the destruction of the World Trade Center may elect to protect either their licensed Empire State Building facility or a proposed new facility at One World Trade Center so long as that new facility has been applied for and authorized in a construction permit granted by the Pre-Auction Licensing Deadline. See *Incentive Auction R&O*, 29 FCC Rcd at 6665-66, paras 219-220. Licensees must file a letter with the Commission making their election no later than May

29, 2015. A copy of the letter should also be emailed to Kevin Harding, Associate Division Chief, Video Division, Media Bureau at [kevin.harding@fcc.gov](mailto:kevin.harding@fcc.gov).

Furthermore, this constitutes notice of the last opportunity before the Pre-Auction Licensing Deadline for all full power and Class A licensees to modify their licenses to fix errors they have made in providing us their operating parameters and to have those modifications protected in the repacking process. Such modifications will be protected so long as a modification application that complies with the *Freeze PN* is filed and granted, and a license to cover application is filed, by May 29, 2015. The Media Bureau will release a subsequent Public Notice listing the facilities licensed by the Pre-Auction Deadline, as reflected in the Commission’s records, and thereby eligible for protection in repacking or relinquishment in the incentive auction. Licensees will be required to certify in a Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381) that they have reviewed their authorization and underlying database technical information for their eligible facility, and to confirm that all information is correct with respect to actual operations or identify any discrepancies. See 79 FR 72000 (Dec. 4, 2014).

We also emphasize that, in order for a Class A digital facility to be afforded protection in the repacking process, it must be licensed by the Pre-Auction Licensing Deadline. While Class A licensees may wait until the September 1, 2015, digital transition deadline to complete construction and license their digital facilities, Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, MB Docket No. 03-185, *Second Report and Order*, 26 FCC Rcd 10732, 10753-54, para. 45 (2011) (*LPTV DTV Second R&O*), those that do not have their digital facilities licensed by May 29, 2015, will be afforded protection based only on the coverage area and population served by their analog facilities. The Commission also clarified that it was not modifying the Class A digital transition deadline. See *Incentive Auction R&O*, 29 FCC Rcd at 6664-65, para. 218 and n. 688. Class A licensees may still seek a one extension of time to complete their digital transition facilities by submitting an application for extension of construction permit by May 1, 2015. See *LPTV DTV Second R&O*, 26 FCC Rcd at

10740, para. 15; *see also* 47 CFR 74.788(c). Nonetheless, the filing or grant of an extension application does not relieve Class A stations of the requirement that they license their digital facilities by the Pre-Auction Licensing Deadline in order for those facilities to be eligible for protection.

This action is taken by the Media Bureau pursuant to authority delegated by 47 CFR 0.283 of the Commission's rules.

Federal Communications Commission.

**Kevin Harding,**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. 2015-05975 Filed 3-13-15; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Thursday, March 12, 2015, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and

that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: March 12, 2015.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. 2015-06063 Filed 3-12-15; 4:15 pm]

**BILLING CODE P**

## FEDERAL ELECTION COMMISSION

### [NOTICE 2015-04]

#### Filing Dates for the Mississippi Special Elections in the 1st Congressional District

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for special elections.

**SUMMARY:** Mississippi has scheduled a Special General Election on May 12, 2015, to fill the U.S. House of Representatives seat held by the late Representative Alan Nunnelee. Under Mississippi law, a majority winner in a nonpartisan special election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on June 2, 2015, between the top two vote-getters.

Committees participating in the Mississippi special elections are required to file pre-and post-election reports. Filing dates for these reports are affected by whether one or two elections are held.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth S. Kurland, Information Division, 999 E Street NW., Washington, DC 20463; Telephone: (202) 694-1100; Toll Free (800) 424-9530.

#### SUPPLEMENTARY INFORMATION:

##### Principal Campaign Committees

All principal campaign committees of candidates who participate in the

Mississippi Special General and Special Runoff Elections shall file a 12-day Pre-General Report on April 30, 2015; a Pre-Runoff Report on May 21, 2015; and a 30-day Post-Runoff Report on July 2, 2015.

If only one election is held, all principal campaign committees of candidates in the Special General Election shall file a 12-day Pre-General Report on April 30, 2015; and a Post-General Report on June 11, 2015. (See chart below for the closing date for each report).

#### Unauthorized Committees (PACs and Party Committees)

Political committees filing on a semi-annual basis in 2015 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Mississippi Special General or Special Runoff Elections by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Mississippi Special General or Special Runoff Elections will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Mississippi Special Elections may be found on the FEC Web site at [http://www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml).

#### Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$17,600 during the special election reporting periods. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b).

### CALENDAR OF REPORTING DATES FOR MISSISSIPPI SPECIAL ELECTIONS

Report	Close of books <sup>1</sup>	Reg./cert. & overnight mailing deadline	Filing deadline
<b>If Only the Special General Is Held (05/12/15), Quarterly Filing Committees Involved Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
Post-General .....	06/01/15	06/11/15	06/11/15
July Quarterly .....	06/30/15	07/15/15	07/15/15
<b>If Only the Special General Is Held (05/12/15), Semi-Annual Filing Committees Involved Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
Post-General .....	06/01/15	06/11/15	06/11/15



## CALENDAR OF REPORTING DATES FOR MISSISSIPPI SPECIAL ELECTIONS—Continued

Report	Close of books <sup>1</sup>	Reg./cert. & overnight mailing deadline	Filing deadline
Mid-Year .....	06/30/15	07/31/15	07/31/15
<b>If Two Elections Are Held, Quarterly Filing Committees Involved Only in the Special General (05/12/15) Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
July Quarterly .....	06/30/15	07/15/15	07/15/15
<b>If Two Elections Are Held, Semi-Annual Filing Committees Involved Only in the Special General (05/12/15) Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
Mid-Year .....	06/30/15	07/31/15	07/31/15
<b>Quarterly Filing Committees Involved in the Special General (05/12/15) and Special Runoff (06/02/15) Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
Pre-Runoff .....	05/13/15	05/18/15	05/21/15
Post-Runoff .....	06/22/15	07/02/15	07/02/15
July Quarterly .....	06/30/15	07/15/15	07/15/15
<b>Semi-Annual Filing Committees Involved in Both the Special General (05/12/15) and Special Runoff (06/02/15) Must File</b>			
Pre-General .....	04/22/15	04/27/15	04/30/15
Pre-Runoff .....	05/13/15	05/18/15	05/21/15
Post-Runoff .....	06/22/15	07/02/15	07/02/15
Mid-Year .....	06/30/15	07/31/15	07/31/15
<b>Quarterly Filing Committees Involved Only in the Special Runoff (06/02/15) Must File</b>			
Pre-Runoff .....	05/13/15	05/18/15	05/21/15
Post-Runoff .....	06/22/15	07/02/15	07/02/15
July Quarterly .....	06/30/15	07/15/15	07/15/15
<b>Semi-Annual Filing Committees Involved Only in the Special Runoff (06/02/15) Must File</b>			
Pre-Runoff .....	05/13/15	05/18/15	05/21/15
Post-Runoff .....	06/22/15	07/02/15	07/02/15
Mid-Year .....	06/30/15	07/31/15	07/31/15

<sup>1</sup> These dates indicate the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee with the Commission up through the close of books for the first report due.

Dated: March 4, 2015.

On behalf of the Commission.

**Ann M. Ravel,**

*Chair, Federal Election Commission.*

[FR Doc. 2015-05813 Filed 3-13-15; 8:45 am]

**BILLING CODE 6715-01-P**

## FEDERAL HOUSING FINANCE AGENCY

[No. 2015-N-02]

### Federal Home Loan Bank Members Selected for Community Support Review 2014–2015 Review Cycle—5th Round

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2014–

2015 Review Cycle—5th Round under FHFA's community support requirements regulation. This Notice also prescribes the deadline by which Bank members selected for this review cycle must submit Community Support Statements to FHFA.

**DATES:** Bank members selected for this review cycle must submit Community Support Statements to FHFA on or before April 30, 2015. Comments on members' community support performance must be submitted to FHFA by the same date.

**ADDRESSES:** Submit completed Community Support Statements to FHFA by electronic mail at [hmgcommunitysupportprogram@fhfa.gov](mailto:hmgcommunitysupportprogram@fhfa.gov). A member that does not have electronic mail capability may submit the Community Support Statement by fax to 202-649-4130. Comments on members' community support performance should be submitted to FHFA as provided above.

### FOR FURTHER INFORMATION CONTACT:

Melissa Allen, Principal Program Analyst, 202-658-9266, or Charles E. McLean, Jr., Special Assistant to the Deputy Director, 202-649-3155, at [hmgcommunitysupportprogram@fhfa.gov](mailto:hmgcommunitysupportprogram@fhfa.gov), Office of Housing and Regulatory Policy, Division of Housing Mission and Goals, Federal Housing Finance Agency, Ninth Floor, 400 Seventh Street SW., Washington, DC 20024.

### SUPPLEMENTARY INFORMATION:

#### I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations establishing standards of community investment or service that Bank members must meet in order to maintain access to long-term Bank advances. See 12 U.S.C. 1430(g)(1). The regulations promulgated by FHFA must



take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and the Bank member's record of lending to first-time homebuyers. See 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, FHFA has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and establishes review criteria FHFA must apply in evaluating a member's community support performance. See 12 CFR part 1290. The regulation includes standards and criteria for the two statutory factors—members' CRA performance and members' record of lending to first-time homebuyers. 12 CFR 1290.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 1290.3(b). All members subject to community support review, including

those not subject to the CRA, must meet the first-time homebuyer standard. 12 CFR 1290.3(c). Members that have been certified as community development financial institutions (CDFIs) are deemed to be in compliance with the community support requirements and are not subject to periodic community support review, unless the CDFI member is also an insured depository institution or a CDFI credit union. 12 CFR 1290.2(e).

Under the regulation, FHFA selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 1290.2(a). FHFA will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support

performance of the member. On or before March 31, 2015, each Bank will notify the members in its district that have been selected for this review cycle that they must complete and submit Community Support Statements to FHFA by the deadline prescribed in this Notice. 12 CFR 1290.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form (OMB No. 2590-0005), which also is available on FHFA's Web site: <http://www.fhfa.gov/webfiles/2924/FHFAForm060.pdf>. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement. Each Bank member selected for this review cycle must complete the Community Support Statement and submit it to FHFA by the deadline prescribed in this Notice. 12 CFR 1290.2(b)(1)(ii) and (c).

FHFA has selected the following members for this review cycle:

FHFA ID (Docket #)	Member	City	State
<b>Federal Home Loan Bank of Boston—District 1</b>			
6828	People's United Bank	Bridgeport	CT
8442	Farmington Bank	Farmington	CT
6722	Liberty Bank	Middletown	CT
54835	General Electric Employees Federal Credit Union	Milford	CT
8452	Ion Bank	Naugatuck	CT
55391	Start Community Bank	New Haven	CT
10336	Citizens National Bank	Putnam	CT
7955	United Bank	Rockville	CT
15683	The Simsbury Bank and Trust Company, Inc	Simsbury	CT
54966	Hartford Life Insurance Company	Simsbury	CT
8473	Savings Institute Bank and Trust Company	Willimantic	CT
3781	Windsor Federal Savings & Loan Assn	Windsor	CT
12199	BARRE SAVINGS BANK	Barre	MA
54948	State Street Bank and Trust Company	Boston	MA
15304	HarborOne Bank	Brockton	MA
7924	Chicopee Savings Bank	Chicopee	MA
8348	Weymouth Bank	East Weymouth	MA
14367	Everett Credit Union	Everett	MA
4185	MutualOne Bank	Framingham	MA
5366	Dean Co-operative Bank	Franklin	MA
12703	Greenfield Savings Bank	Greenfield	MA
54985	Franklin First Federal Credit Union	Greenfield	MA
15847	U-Mass Five College Federal Credit Union	Hadley	MA
14156	Hanscom Federal Credit Union	Hanscom AFB	MA
4186	Commonwealth Cooperative Bank	Hyde Park	MA
7811	Lee Bank	Lee	MA
15919	Millbury Federal Credit Union	Millbury	MA
15236	First Citizens' Federal Credit Union	New Bedford	MA
8496	Newburyport Five Cents Savings Bank	Newburyport	MA
54858	First Commons Bank, N.A	Newton Centre	MA
4396	Norwood Co-operative Bank	Norwood	MA
7963	North Shore Bank, A Co-operative Bank	Peabody	MA
1219	Pittsfield Co-Operative Bank	Pittsfield	MA
7290	BERKSHIRE BANK	Pittsfield	MA
3996	Savers Co-operative Bank	Southbridge	MA
6525	StonehamBank, A Co-operative Bank	Stoneham	MA
55363	Plymouth County Teachers Federal Credit Union	West Wareham	MA
4390	Winchester Co-operative Bank	Winchester	MA
7995	Bay State Savings Bank	Worcester	MA
15733	Down East Credit Union	Baileysville	ME
15732	Ocean Communities Federal Credit Union	Biddeford	ME
10325	The First N.A	Damariscotta	ME
6947	The Bank of Maine	Gardiner	ME
7669	Androscoggin Savings Bank	Lewiston	ME

FHFA ID (Docket #)	Member	City	State
9576 .....	MACHIAS SAVINGS BANK .....	Machias .....	ME
12128 .....	Katahdin Federal Credit Union .....	Millinocket .....	ME
15664 .....	PeoplesChoice Credit Union .....	Saco .....	ME
55345 .....	Saco Valley Credit Union .....	Saco .....	ME
7706 .....	Sanford Institution for Savings .....	Sanford .....	ME
7619 .....	Claremont Savings Bank .....	Claremont .....	NH
54815 .....	Peerless Insurance Company .....	Keene .....	NH
7994 .....	Meredith Village Savings Bank .....	Meredith .....	NH
15376 .....	Triangle Credit Union .....	Nashua .....	NH
7444 .....	Sugar River Bank .....	Newport .....	NH
7644 .....	Lake Sunapee Bank, FSB .....	Newport .....	NH
8454 .....	Piscataqua Savings Bank .....	Portsmouth .....	NH
14505 .....	SERVICE CREDIT UNION .....	Portsmouth .....	NH
9487 .....	The Washington Trust Company .....	Westerly .....	RI
5214 .....	The Bank of Bennington .....	Bennington .....	VT
14666 .....	Heritage Family Federal Credit Union .....	Rutland .....	VT
10324 .....	PASSUMPSIC SAVINGS BANK .....	St. Johnsbury .....	VT

## Federal Home Loan Bank of New York—District 2

54841 .....	XCEL Federal Credit Union .....	Bloomfield .....	NJ
1997 .....	Clifton Savings Bank .....	Clifton .....	NJ
52005 .....	The First National Bank of Elmer .....	Elmer .....	NJ
10909 .....	Sussex Bank .....	Franklin .....	NJ
54812 .....	New Jersey Community Bank .....	Freehold .....	NJ
1168 .....	Haddon Savings Bank .....	Haddon Heights .....	NJ
10329 .....	First Hope Bank, A National Banking Association .....	Hope .....	NJ
54868 .....	Regal Bank .....	Livingston .....	NJ
54869 .....	Community Bank of Bergen County, N.J. ....	Maywood .....	NJ
4804 .....	Gibraltar Bank .....	Mendham .....	NJ
5775 .....	Magyar Bank .....	New Brunswick .....	NJ
54842 .....	Rutgers Federal Credit Union .....	New Brunswick .....	NJ
11225 .....	New Community Federal Credit Union .....	Newark .....	NJ
12260 .....	Lusitania Savings Bank .....	Newark .....	NJ
54921 .....	Newfield National Bank .....	Newfield .....	NJ
54946 .....	Garden Savings Federal Credit Union .....	Parsippany .....	NJ
5286 .....	Franklin Bank .....	Pilesgrove .....	NJ
14006 .....	RSI Bank .....	Rahway .....	NJ
54935 .....	Merck Employees Federal Credit Union .....	Rahway .....	NJ
54908 .....	Automatic Data Processing Federal Credit Union .....	Roseland .....	NJ
16841 .....	Parke Bank .....	Sewell .....	NJ
4752 .....	Monroe Savings Bank, SLA .....	Williamstown .....	NJ
54806 .....	Capital Communications Federal Credit Union .....	Albany .....	NY
55336 .....	Horizons Federal Credit Union .....	Binghamton .....	NY
6509 .....	Ponce de Leon Federal Bank .....	Bronx .....	NY
54928 .....	BETHEX Federal Credit Union .....	Bronx .....	NY
11394 .....	Manufacturers and Traders Trust Company .....	Buffalo .....	NY
54804 .....	Buffalo Service Credit Union .....	Buffalo .....	NY
54805 .....	The National Bank of Coxsackie .....	Coxsackie .....	NY
4652 .....	Fairport Savings Bank .....	Fairport .....	NY
54881 .....	Triboro Postal Federal Credit Union .....	Flushing .....	NY
13348 .....	Fulton Savings Bank .....	Fulton .....	NY
7635 .....	TrustCo Bank .....	Glenville .....	NY
16928 .....	Bank of Holland .....	Holland .....	NY
11757 .....	Steuben Trust Company .....	Hornell .....	NY
10675 .....	New York Commercial Bank .....	Islandia .....	NY
7954 .....	Ulster Savings Bank .....	Kingston .....	NY
4115 .....	Astoria Bank .....	Long Island City .....	NY
9790 .....	Suffolk Federal Credit Union .....	Medford .....	NY
2201 .....	First Federal Savings of Middletown .....	Middletown .....	NY
54862 .....	Greater Hudson Bank, National Association .....	Middletown .....	NY
54863 .....	Bank of Millbrook .....	Millbrook .....	NY
54945 .....	First Source Federal Credit Union .....	New Hartford .....	NY
9297 .....	Amalgamated Bank .....	New York .....	NY
10769 .....	United Orient Bank .....	New York .....	NY
11840 .....	Habib American Bank .....	New York .....	NY
55328 .....	Modern Bank, National Association .....	New York .....	NY
55380 .....	New York University Federal Credit Union .....	New York .....	NY
54956 .....	Olean Area Federal Credit Union .....	Olean .....	NY
54968 .....	First Heritage Federal Credit Union .....	Painted Post .....	NY
15207 .....	Pittsford Federal Credit Union .....	Pittsford .....	NY
54902 .....	Ufirst Federal Credit Union .....	Plattsburgh .....	NY
13972 .....	Bank of Richmondville .....	Richmondville .....	NY

FHFA ID (Docket #)	Member	City	State
54917 .....	Ukrainian Federal Credit Union .....	Rochester .....	NY
11750 .....	Solvay Bank .....	Solvay .....	NY
2197 .....	Northfield Bank .....	Staten Island .....	NY
54884 .....	Cayuga Lake National Bank .....	Union Springs .....	NY
13853 .....	Walden Savings Bank .....	Walden .....	NY
10385 .....	Champlain National Bank .....	Willsboro .....	NY

**Federal Home Loan Bank of Pittsburgh—District 3**

55397 .....	Dover Federal Credit Union .....	Dover .....	DE
7938 .....	Wilmington Savings Fund Society, FSB .....	Wilmington .....	DE
54798 .....	Genworth Life Insurance Company .....	Wilmington .....	DE
4779 .....	C & G Savings Bank .....	Altoona .....	PA
2179 .....	Ambler Savings Bank .....	Ambler .....	PA
2457 .....	First FS & LA of Bucks Co .....	Bristol .....	PA
4256 .....	Alliance Bank .....	Broomall .....	PA
55356 .....	Franklin Mint Federal Credit Union .....	Broomall .....	PA
955 .....	Cresson Community Bank .....	Cresson .....	PA
2376 .....	Sharon Savings Bank .....	Darby .....	PA
55333 .....	Noah Bank .....	Elkins Park .....	PA
148 .....	ESB Bank .....	Ellwood City .....	PA
55395 .....	Erie Federal Credit Union .....	Erie .....	PA
3136 .....	County Savings Bank .....	Essington .....	PA
16540 .....	Stonebridge Bank .....	Exton .....	PA
55340 .....	Belco Community Credit Union .....	Harrisburg .....	PA
2563 .....	Fox Chase Bank .....	Hatboro .....	PA
4859 .....	Hatboro Federal Savings, FA .....	Hatboro .....	PA
10146 .....	The Dime Bank .....	Honesdale .....	PA
9686 .....	Jersey Shore State Bank .....	Jersey Shore .....	PA
299 .....	William Penn Bank .....	Levittown .....	PA
55361 .....	National Slovak Society of United States of America .....	McMurray .....	PA
416 .....	Malvern Federal Savings Bank .....	Paoli .....	PA
5285 .....	First Savings Bank of Perkasio .....	Perkasie .....	PA
3217 .....	Washington Savings Bank .....	Philadelphia .....	PA
3776 .....	Second FS & LA of Philadelphia .....	Philadelphia .....	PA
17055 .....	Asian Bank .....	Philadelphia .....	PA
4504 .....	Phoenixville Federal Bank & Trust .....	Phoenixville .....	PA
495 .....	Progressive-Home FS & LA .....	Pittsburgh .....	PA
54787 .....	Miners Bank .....	Pottsville .....	PA
55415 .....	CACL Federal Credit Union .....	Pottsville .....	PA
15604 .....	QNB Bank .....	Quakertown .....	PA
9674 .....	Mercer County State Bank .....	Sandy Lake .....	PA
111 .....	Slovenian S & LA of Canonsburg .....	Strabane .....	PA
10126 .....	First Century Bank, Inc .....	Bluefield .....	WV
13788 .....	Pioneer Community Bank, Inc .....	laeger .....	WV
9635 .....	Bank of Mount Hope, Inc .....	Mount Hope .....	WV
9628 .....	Community Bank of Parkersburg .....	Parkersburg .....	WV
15891 .....	First Neighborhood Bank .....	Spencer .....	WV
15579 .....	Pleasants County Bank .....	St. Marys .....	WV
13741 .....	The Poca Valley Bank .....	Walton .....	WV
16975 .....	MCNB Bank and Trust Company .....	Welch .....	WV
16820 .....	Wesbanco Bank, Inc .....	Wheeling .....	WV
17656 .....	The First National Bank of Williamson .....	Williamson .....	WV
54976 .....	Bank of Mingo .....	Williamson .....	WV

**Federal Home Loan Bank of Atlanta—District 4**

11147 .....	CCB Community Bank .....	Andalusia .....	AL
13590 .....	United Bank .....	Atmore .....	AL
9177 .....	AuburnBank .....	Auburn .....	AL
52008 .....	First Financial Bank .....	Bessemer .....	AL
17005 .....	Alamerica Bank .....	Birmingham .....	AL
55399 .....	Alabama Telco Credit Union .....	Birmingham .....	AL
4877 .....	Cullman Savings Bank .....	Cullman .....	AL
11094 .....	The Citizens Bank .....	Enterprise .....	AL
17703 .....	Alabama Teachers Credit Union .....	Gadsden .....	AL
11078 .....	Merchants Bank .....	Jackson .....	AL
9676 .....	Farmers and Merchants Bank .....	Lafayette .....	AL
55331 .....	Max Credit Union .....	Montgomery .....	AL
15710 .....	Valley State Bank .....	Russellville .....	AL
15506 .....	Sweet Water State Bank .....	Sweet Water .....	AL
5329 .....	SouthFirst Bank .....	Sylacauga .....	AL
54927 .....	Heritage South Credit Union .....	Sylacauga .....	AL

FHFA ID (Docket #)	Member	City	State
14230	The First National Bank of Talladega	Talladega	AL
16838	First Bank	Wadley	AL
15879	CITY FIRST BANK OF D.C., N.A	Washington	DC
55327	O.A.S. Staff Federal Credit Union	Washington	DC
55401	Transit Employees Federal Credit Union	Washington	DC
55359	IBM Southeast Employees' Federal Credit Union	Boca Raton	FL
12202	Mackinac Savings Bank, FSB	Boynton Beach	FL
13673	First Bank	Clewiston	FL
15687	First National Bank of Crestview	Crest View	FL
9446	Regent Bank	Davie	FL
15772	LANDMARK BANK, N.A	Fort Lauderdale	FL
11266	First City Bank of Florida	Fort Walton Beach	FL
9702	Desjardins Bank, National Association	Hallandale	FL
15576	Publix Employees' Federal CU	Lakeland	FL
6707	First Federal Bank of Florida	Live Oak	FL
7506	Interamerican Bank, A FSB	Miami	FL
13285	Helm Bank USA	Miami	FL
15094	Tropical Financial Credit Union	Miami	FL
17154	Totalbank	Miami	FL
17512	Terrabank, N.A	Miami	FL
54820	Florida Community Bank N.A	Miami	FL
54846	Capital Bank N.A	Miami	FL
55330	Magnify Credit Union	Mulberry	FL
17442	Friends Bank	New Smyrna Beach	FL
13943	American National Bank	Oakland Park	FL
17832	Pinnacle Bank	Orange City	FL
15860	CNL Bank	Orlando	FL
55396	New Traditions Bank	Orlando	FL
54959	Panhandle Educators Federal Credit Union	Panama City	FL
17743	Pen Air Federal Credit Union	Pensacola	FL
17074	Heartland National Bank	Sebring	FL
16811	First Home Bank	Seminole	FL
12002	Raymond James Bank, National Association	St. Petersburg	FL
17339	First Commerce Credit Union	Tallahassee	FL
16837	First Citrus Bank	Tampa	FL
16848	Bay Cities Bank	Tampa	FL
17707	Grow Financial Federal Credit Union	Tampa	FL
17754	Florida Capital Bank, N.A	Tarpon Springs	FL
13655	United Southern Bank	Umatilla	FL
15630	Marine Bank and Trust	Vero Beach	FL
15863	Wilcox County State Bank	Abbeville	GA
13649	Citizens Trust Bank	Atlanta	GA
52166	Georgia Banking Company	Atlanta	GA
55322	Blue Cross and Blue Shield of Georgia, Inc	Atlanta	GA
10976	United Community Bank	Blairsville	GA
54809	Community and Southern Bank	Carrollton	GA
54810	NOA Bank	Duluth	GA
55367	Georgia United Credit Union	Duluth	GA
13338	The Peoples Bank	Eatonton	GA
17513	The Farmers Bank	Forsyth	GA
54952	Chattahoochee Bank of Georgia	Gainesville	GA
8396	South Georgia Bank	Glennville	GA
17735	Delta Employees Credit Union	Hapeville	GA
11665	SunMark Community Bank	Hawkinsville	GA
17550	Community Bank of Pickens County	Jasper	GA
13331	Northeast Georgia Bank	Lavonia	GA
52026	LGE Community Credit Union	Marietta	GA
17111	The Merchants And Citizens Bank	McRae	GA
9572	Southwest Georgia Bank	Moultrie	GA
3330	Family Bank	Pelham	GA
15093	The Citizens National Bank of Quitman	Quitman	GA
16925	Southern Bank	Sardis	GA
17440	Community Bank of The South	Smyrna	GA
15711	Quantum National Bank	Suwanee	GA
15609	First Bank of Georgia	Thomson	GA
17306	South Georgia Banking Company	Tifton	GA
13138	Citizens Bank & Trust	Trenton	GA
17630	Durden Banking Company, Inc	Twin City	GA
52066	Robins Federal Credit Union	Warner Robins	GA
10426	Farmers and Merchants Bank	Washington	GA
4295	Kopernik Federal Bank	Baltimore	MD
4400	Liberty FS & LA	Baltimore	MD
8386	Bay-Vanguard FSB	Baltimore	MD

FHFA ID (Docket #)	Member	City	State
14741 .....	State Employees Credit Union of Md .....	Baltimore .....	MD
16943 .....	Eaglebank .....	Bethesda .....	MD
6420 .....	Cecil Bank .....	Elkton .....	MD
8954 .....	Lafayette Federal Credit Union .....	Kensington .....	MD
15520 .....	FedChoice Federal Credit Union .....	Lanham .....	MD
54929 .....	Bay Bank, FSB .....	Lutherville .....	MD
10579 .....	First United Bank & Trust .....	Oakland .....	MD
6390 .....	North Arundel Savings Bank, FSB .....	Pasadena .....	MD
12215 .....	Provident State Bank, Inc .....	Preston .....	MD
54873 .....	Andrews Federal Credit Union .....	Suitland .....	MD
54839 .....	Carroll Community Bank .....	Sykesville .....	MD
9693 .....	Uwharrie Bank .....	Albemarle .....	NC
13322 .....	Mechanics and Farmers Bank .....	Durham .....	NC
6981 .....	Macon Bank, Inc .....	Franklin .....	NC
10327 .....	Farmers & Merchants Bank .....	Granite Quarry .....	NC
15549 .....	Carolina Bank .....	Greensboro .....	NC
6776 .....	Hertford Savings Bank, SSB .....	Hertford .....	NC
54886 .....	Shuford Federal Credit Union .....	Hickory .....	NC
54905 .....	Coastal Bank & Trust .....	Jacksonville .....	NC
4066 .....	KS Bank .....	Kenly .....	NC
15790 .....	The Little Bank .....	Kinston .....	NC
15553 .....	State Employees' Credit Union .....	Raleigh .....	NC
16389 .....	Paragon Commercial Bank .....	Raleigh .....	NC
54867 .....	Builders Mutual Insurance Company .....	Raleigh .....	NC
8170 .....	Taylorsville Savings Bank, SSB .....	Taylorsville .....	NC
17027 .....	Cornerstone Bank .....	Wilson .....	NC
54896 .....	Piedmont Advantage Credit Union .....	Winston Salem .....	NC
7450 .....	Home FS & LA .....	Bamberg .....	SC
54932 .....	CertusBank, N.A .....	Easley .....	SC
16944 .....	First Reliance Bank .....	Florence .....	SC
13511 .....	Bank of Greeleyville .....	Greeleyville .....	SC
55400 .....	MTC Federal Credit Union .....	Greenville .....	SC
13478 .....	The County Bank .....	Greenwood .....	SC
7583 .....	Citizens B & La .....	Greer .....	SC
11166 .....	Greer State Bank .....	Greer .....	SC
15676 .....	First National Bank of South Carolina .....	Holly Hill .....	SC
3534 .....	Kingstree FS & LA .....	Kingstree .....	SC
13654 .....	The Bank of Clarendon .....	Manning .....	SC
15898 .....	Southcoast Community Bank .....	Mount Pleasant .....	SC
13430 .....	Anderson Brothers Bank .....	Mullins .....	SC
54920 .....	Coastal Carolina National Bank .....	Myrtle Beach .....	SC
16814 .....	Heritage Trust Federal Credit Union .....	North Charleston .....	SC
6359 .....	Pickens S & La, FA .....	Pickens .....	SC
15629 .....	GrandSouth Bank .....	Simpsonville .....	SC
10996 .....	Bank of Travelers Rest .....	Travelers Rest .....	SC
5848 .....	E*Trade Bank .....	Arlington .....	VA
15735 .....	The Blue Grass Valley Bank .....	Blue Grass .....	VA
10229 .....	The Bank of Southside Virginia .....	Carson .....	VA
16931 .....	Access National Bank .....	Chantilly .....	VA
55398 .....	University of VA Community Credit Union .....	Charlottesville .....	VA
15256 .....	Apple Federal Credit Union .....	Fairfax .....	VA
17006 .....	Bank of The James .....	Lynchburg .....	VA
13526 .....	Lee Bank and Trust Company .....	Pennington Gap .....	VA
54965 .....	New Horizon Bank, National Association .....	Powhatan .....	VA
7612 .....	First Sentinel Bank .....	Richlands .....	VA
55321 .....	Anthem Health Plans of Virginia, Inc .....	Richmond .....	VA
55334 .....	Washington Gas Light Federal Credit Union .....	Springfield .....	VA
10684 .....	First Bank .....	Strasburg .....	VA
15918 .....	Navy Federal Credit Union .....	Vienna .....	VA
16372 .....	Farmers Bank .....	Windsor .....	VA

## Federal Home Loan Bank of Cincinnati—District 5

10872 .....	WILSON & MUIR BANK & TRUST .....	Bardstown .....	KY
11172 .....	Town & Country Bank and Trust Company .....	Bardstown .....	KY
9598 .....	BANK OF OHIO COUNTY .....	Beaver Dam .....	KY
11482 .....	BEDFORD LOAN & DEPOSIT BANK .....	Bedford .....	KY
8785 .....	MEADE COUNTY BANK .....	Brandenburg .....	KY
10994 .....	BANK OF CADIZ & TRUST CO .....	Cadiz .....	KY
10979 .....	BANK OF COLUMBIA .....	Columbia .....	KY
15638 .....	Kentucky Neighborhood Bank .....	Elizabethtown .....	KY
10588 .....	Peoples Bank of Kentucky, Inc .....	Flemingsburg .....	KY
8982 .....	THE FARMERS BANK .....	Hardinsburg .....	KY

FHFA ID (Docket #)	Member	City	State
15516	HANCOCK BANK & TRUST CO	Hawesville	KY
10834	PEOPLES BANK & TRUST OF HAZARD	Hazard	KY
4727	Heritage Bank	Hopkinsville	KY
14982	PLANTERS BANK INC.	Hopkinsville	KY
15597	BANK OF JAMESTOWN	Jamestown	KY
8979	LEITCHFIELD DEPOSIT BK & TR	Leitchfield	KY
11038	CENTRAL BANK & TRUST CO	Lexington	KY
9939	COMMONWEALTH BANK & TRUST Co	Louisville	KY
14485	L&N Federal Credit Union	Louisville	KY
54851	Class Act Federal Credit Union	Louisville	KY
54898	Louisville Gas and Electric Company Credit Union	Louisville	KY
13658	FARMERS BANK AND TRUST CO	Marion	KY
13745	The Monticello Banking Company	Monticello	KY
15025	SOUTH CENTRAL BANK	Owensboro	KY
6361	Blue Grass FS & LA	Paris	KY
10796	1ST COMMONWEALTH BK OF PRESTONBURG	Prestonsburg	KY
9695	First & Farmers National Bank, Inc	Somerset	KY
54918	Lakeview Federal Credit Union	Ashtabula	OH
54934	Community First	Ashtabula	OH
5846	BELPRE SAVINGS BANK	Belpre	OH
8094	Community Savings Bank	Bethel	OH
4440	Equitable S & L Co	Cadiz	OH
54988	Canton School Employees Credit Union	Canton	OH
2753	First FS & LA	Centerburg	OH
644	Mt. Washington Savings & Loan	Cincinnati	OH
709	GUARDIAN SAVINGS BANK FSB	Cincinnati	OH
5337	Eagle Savings Bank	Cincinnati	OH
8109	UNION SAVINGS BANK	Cincinnati	OH
10572	Cinfed Federal Credit Union	Cincinnati	OH
11523	U.S. Bank, National Association	Cincinnati	OH
54924	Steel Valley Federal Credit Union	Cleveland	OH
55358	American Mutual Life Association	Cleveland	OH
11029	FIRST COMMUNITY BANK	Columbus	OH
54825	Nationwide Mutual Insurance Company	Columbus	OH
54899	Safe Auto Insurance Company	Columbus	OH
2123	CONNEAUT SAVINGS BANK	Conneaut	OH
15996	THE CORN CITY STATE BANK	Deshler	OH
13772	THE FORT JENNINGS STATE BAN	Fort Jennings	OH
8123	Galion Building and Loan Bank	Galion	OH
11142	Greenville National Bank	Greenville	OH
15867	HAMLER STATE BANK	Hamler	OH
4171	First FS & LA	Lorain	OH
15551	THE FAHEY BANKING COMPANY	Marion	OH
16831	Sun Federal Credit Union	Maumee	OH
16307	The Vinton County N.B. of McArthur	McArthur	OH
15883	The Citizens N. B. of McConnellsville	McConnellsville	OH
4287	The American Savings Bank	Middletown	OH
54782	The Peoples Savings Bank	New Matamoras	OH
8095	GEAUGA SAVINGS BANK	Newbury	OH
13782	First National Bank	Orrville	OH
15680	THE REPUBLIC BANKING CO	Republic	OH
3280	Ripley Federal Savings Bank	Ripley	OH
4519	MUTUAL FEDERAL SAVINGS BANK	Sidney	OH
4215	SSB Community Bank	Strasburg	OH
2969	First FS & LA of Van Wert	Van Wert	OH
1260	CFBank	Wellsville	OH
6068	The Peoples S & L Co	West Liberty	OH
15707	THE UNION BANKING CO	West Mansfield	OH
9759	FARMERS STATE BANK	West Salem	OH
54938	The Citizens National Bank of Woodfield	Woodfield	OH
54856	Wayne Mutual Insurance Company	Wooster	OH
54802	BCS Insurance Company	Worthington	OH
54803	Plans' Liability Insurance Company	Worthington	OH
10726	The Citizens NB of Athens	Athens	TN
13682	BRIGHTON BANK	Brighton	TN
11469	First Farmers and Merchants Bank	Columbia	TN
17016	Community First Bank & Trust	Columbia	TN
10864	BANK OF PUTNAM COUNTY	Cookeville	TN
6581	Highland FS & LA	Crossville	TN
4081	FIRST FEDERAL BANK	Dickson	TN
6842	Security Federal Bank	Elizabethhton	TN
11594	TENNESSEE STATE BANK	Gatlinburg	TN
10625	BANK OF HALLS	Halls	TN

FHFA ID (Docket #)	Member	City	State
11527 .....	COMMERCIAL BANK .....	Harrogate .....	TN
10331 .....	CARROLL BANK & TRUST .....	Huntingdon .....	TN
11182 .....	UNION BANK .....	Jamestown .....	TN
11347 .....	BANK OF TENNESSEE .....	Kingsport .....	TN
11468 .....	FIRST BANK .....	Lexington .....	TN
17798 .....	Peoples Bank of East Tennessee .....	Madisonville .....	TN
9274 .....	First National Bank of Manchester .....	Manchester .....	TN
15760 .....	THE COFFEE COUNTY BANK .....	Manchester .....	TN
15836 .....	Orion Federal Credit Union .....	Memphis .....	TN
15800 .....	JOHNSON COUNTY BANK .....	Mountain City .....	TN
16980 .....	National Bank of Tennessee .....	Newport .....	TN
10900 .....	THE FARMERS BANK .....	Portland .....	TN
7159 .....	CENTRAL BANK .....	Savannah .....	TN
13733 .....	HOME BANKING CO .....	Selmer .....	TN
11231 .....	1ST COMMUNITY BK OF BEDFORD .....	Shelbyville .....	TN
10838 .....	Farmers and Merchants Bank .....	Trezevant .....	TN
11323 .....	AMERICAN CITY BANK .....	Tullahoma .....	TN
11133 .....	REELFOOT BANK .....	Union City .....	TN

## Federal Home Loan Bank of Indianapolis—District 6

54811 .....	Guggenheim Life and Annuity Company .....	West Des Moines .....	IA
2781 .....	BEDFORD FSB .....	Bedford .....	IN
11268 .....	The Franklin County NB of Brookville .....	Brookville .....	IN
4433 .....	First Savings Bank, FSB .....	Clarksville .....	IN
12241 .....	First National Bank .....	Cloverdale .....	IN
54972 .....	Tech Credit Union .....	Crown Point .....	IN
3676 .....	UNITED FIDELITY BANK .....	Evansville .....	IN
9375 .....	FOWLER STATE BANK .....	Fowler .....	IN
16939 .....	Freedom Bank .....	Huntingburg .....	IN
3892 .....	First Federal Savings Bank .....	Huntington .....	IN
13671 .....	Finance Center Federal Credit Union .....	Indianapolis .....	IN
54853 .....	ACA Insurance Company .....	Indianapolis .....	IN
54854 .....	Western United Insurance Company .....	Indianapolis .....	IN
54911 .....	Athene Life Insurance Company .....	Indianapolis .....	IN
54939 .....	Paragon Life Insurance Company of Indiana .....	Indianapolis .....	IN
10677 .....	THE CAMPBELL AND FETTER BANK .....	Kendallville .....	IN
3767 .....	United Community Bank .....	Lawrenceburg .....	IN
1856 .....	River Valley Financial Bank .....	Madison .....	IN
11002 .....	FIRST STATE BANK OF MIDDLEBURY .....	Middlebury .....	IN
4674 .....	Peoples S & LA of Monticello Indiana .....	Monticello .....	IN
2611 .....	Your Community Bank .....	New Albany .....	IN
2798 .....	Ameriana Bank .....	New Castle .....	IN
11809 .....	THE NEW WASHINGTON STATE BANK .....	New Washington .....	IN
13790 .....	SPENCER COUNTY BANK .....	Santa Claus .....	IN
15023 .....	JACKSON COUNTY BANK, SEYMOUR .....	Seymour .....	IN
10938 .....	TERRE HAUTE SAVINGS BANK .....	Terre Haute .....	IN
2091 .....	Homestead Savings Bank .....	Albion .....	MI
13785 .....	Talmer West Bank .....	Ann Arbor .....	MI
11858 .....	SIGNATURE BANK—BAD AXE .....	Bad Axe .....	MI
11663 .....	LAKE OSCEOLA STATE BANK .....	Baldwin .....	MI
11808 .....	CENTRAL STATE BANK .....	Beulah .....	MI
14972 .....	CHARLEVOIX STATE BANK, CHARLEVOIX .....	Charlevoix .....	MI
11446 .....	EASTERN MICHIGAN BANK .....	Croswell .....	MI
4241 .....	DEARBORN FSB .....	Dearborn .....	MI
11533 .....	STATE BANK OF EWEN .....	Ewen .....	MI
54961 .....	Bank of Michigan .....	Farmington Hills .....	MI
54992 .....	Security Credit Union .....	Flint .....	MI
14453 .....	Option 1 Credit Union .....	Grand Rapids .....	MI
16976 .....	PAC Federal Credit Union .....	Hamtramck .....	MI
16222 .....	Capitol National Bank .....	Lansing .....	MI
54808 .....	Lake Trust Credit Union .....	Lansing .....	MI
13742 .....	STATE SAVINGS BANK OF MANISTIQUE .....	Manistique .....	MI
10973 .....	MASON STATE BANK .....	Mason .....	MI
11375 .....	The First National Bank of Norway .....	Norway .....	MI
55382 .....	The Citizens State Bank of Ontonagon .....	Ontonagon .....	MI
14717 .....	Community Financial Credit Union .....	Plymouth .....	MI
14718 .....	Team One Credit Union .....	Saginaw .....	MI
11332 .....	WEST SHORE BANK .....	Scottville .....	MI
13603 .....	SIDNEY STATE BANK .....	Sidney .....	MI
8028 .....	STERLING BANK & TRUST .....	Southfield .....	MI
54962 .....	Star Insurance Company .....	Southfield .....	MI
54963 .....	Williamsburg National Insurance Company .....	Southfield .....	MI

FHFA ID (Docket #)	Member	City	State
54964 .....	Ameritrust Insurance Corporation .....	Southfield .....	MI
8412 .....	FLAGSTAR BANK, FSB .....	Troy .....	MI

## Federal Home Loan Bank of Chicago—District 7

52110 .....	Andalusia Community Bank .....	Andalusia .....	IL
16587 .....	Village Bank and Trust .....	Arlington Heights .....	IL
55371 .....	Athens State Bank .....	Athens .....	IL
54913 .....	Redbrand Credit Union .....	Bartonville .....	IL
11128 .....	Heartland Bank and Trust Company .....	Bloomington .....	IL
54828 .....	Country Mutual Insurance Company .....	Bloomington .....	IL
11022 .....	Peoples Bank of Kankakee County .....	Bourbonnais .....	IL
14583 .....	Bridgeview Bank Group .....	Bridgeview .....	IL
52030 .....	United Trust Bank .....	Bridgeview .....	IL
54837 .....	SIU Credit Union .....	Carbondale .....	IL
11023 .....	United Community Bank .....	Chatham .....	IL
10892 .....	Amalgamated Bank of Chicago .....	Chicago .....	IL
11442 .....	ABC Bank .....	Chicago .....	IL
15540 .....	Burling Bank .....	Chicago .....	IL
54860 .....	Bankers Life and Casualty Company .....	Chicago .....	IL
55323 .....	Selfreliance Ukrainian American Federal Credit Union .....	Chicago .....	IL
55329 .....	Continental Casualty Company .....	Chicago .....	IL
55360 .....	United Insurance Company of America .....	Chicago .....	IL
55394 .....	The Federal Savings Bank .....	Chicago .....	IL
54923 .....	Maroon Financial Credit Union .....	Chicago .....	IL
55376 .....	Urban Partnership Bank .....	Chicago .....	IL
15501 .....	Countryside Bank .....	Countryside .....	IL
2229 .....	First Savings Bank .....	Danville .....	IL
3128 .....	Washington Savings Bank .....	Effingham .....	IL
15512 .....	Midland States Bank .....	Effingham .....	IL
11088 .....	First American Bank .....	Elk Grove Village .....	IL
55373 .....	Forest Park National Bank and Trust Company .....	Forest Park .....	IL
2946 .....	Union Savings Bank .....	Freeport .....	IL
11563 .....	Central Bank Illinois .....	Geneseo .....	IL
15500 .....	Bank Of Gibson City .....	Gibson City .....	IL
15785 .....	NorthSide Community Bank .....	Gurnee .....	IL
15641 .....	Parkway Bank and Trust Company .....	Harwood Heights .....	IL
15600 .....	North Central Bank .....	Hennepin .....	IL
15537 .....	State Bank Of Herscher .....	Herscher .....	IL
54865 .....	First Bank of Highland Park .....	Highland Park .....	IL
1146 .....	Jacksonville Savings Bank .....	Jacksonville .....	IL
11417 .....	The Farmers State Bank and Trust Company .....	Jacksonville .....	IL
17061 .....	Bank of Kampsville .....	Kampsville .....	IL
244 .....	Union Federal Savings and Loan Association .....	Kewanee .....	IL
3756 .....	First Federal Savings and Loan Association of Kewanee .....	Kewanee .....	IL
17247 .....	Midland Community Bank .....	Kincaid .....	IL
17354 .....	La Salle State Bank .....	La Salle .....	IL
16933 .....	First Southern Bank .....	Marion .....	IL
15784 .....	Citizens Community Bank .....	Mascoutah .....	IL
412 .....	First Federal Savings and Loan Association of Mattoon .....	Mattoon .....	IL
15586 .....	Middletown State Bank .....	Middletown .....	IL
11017 .....	Blackhawk Bank and Trust .....	Milan .....	IL
17375 .....	First Farmers State Bank .....	Minier .....	IL
52145 .....	I.H. Mississippi Valley Credit Union .....	Moline .....	IL
15612 .....	First State Bank .....	Monticello .....	IL
54925 .....	Oak Trust Credit Union .....	Naperville .....	IL
11032 .....	Oxford Bank & Trust .....	Oak Brook .....	IL
17811 .....	The Leaders Bank .....	Oak Brook .....	IL
54998 .....	Evergreen Bank Group .....	Oak Brook .....	IL
55372 .....	4 Ever Life Insurance Company .....	Oakbrook Terrace .....	IL
15548 .....	The First National Bank of Okawville .....	Okawville .....	IL
17867 .....	Federated Bank .....	Onarga .....	IL
16923 .....	The First National Bank of Ottawa .....	Ottawa .....	IL
11609 .....	The Edgar County Bank and Trust Co., Paris, Illinois .....	Paris .....	IL
17118 .....	The State Bank of Pearl City .....	Pearl City .....	IL
17342 .....	Pekin National Bank .....	Pekin .....	IL
3367 .....	Peru Federal Savings Bank .....	Peru .....	IL
14569 .....	First National Bank in Pinckneyville .....	Pinckneyville .....	IL
17264 .....	Murphy-Wall State Bank and Trust Company .....	Pinckneyville .....	IL
10913 .....	Mercantile Bank .....	Quincy .....	IL
11082 .....	State Street Bank and Trust Company .....	Quincy .....	IL
17604 .....	Bank of Quincy .....	Quincy .....	IL
5696 .....	North County Savings Bank .....	Red Bud .....	IL



FHFA ID (Docket #)	Member	City	State
17334	State Bank of Saunemin	Saunemin	IL
5029	First Savanna Savings Bank	Savanna	IL
17197	Heritage Bank of Schaumburg	Schaumburg	IL
11562	First State Bank Shannon-Polo	Shannon	IL
17285	The First National Bank of Sparta	Sparta	IL
175	Security Bank s.b	Springfield	IL
17248	Illinois National Bank	Springfield	IL
55392	Heartland Credit Union	Springfield	IL
55341	First National Bank of Steeleville	Steeleville	IL
17603	Sauk Valley Bank & Trust Company	Sterling	IL
14586	Stillman BancCorp N.A	Stillman Valley	IL
12025	Centrue Bank	Streator	IL
15738	The National Bank and Trust Company of Sycamore	Sycamore	IL
17768	American Midwest Bank	Sycamore	IL
9735	Citizens First State Bank of Walnut	Walnut	IL
11093	State Bank of Waterloo	Waterloo	IL
108	North Shore Trust and Savings	Waukegan	IL
52153	American Community Bank & Trust	Woodstock	IL
691	Prospect Federal Savings Bank	Worth	IL
11561	Jackson County Bank	Black River Falls	WI
16957	Dairyland State Bank	Bruce	WI
9868	State Bank of Cross Plains	Cross Plains	WI
55379	Settlers Bank	De Forest	WI
54880	Southern Lakes Credit Union	Kenosha	WI
54831	Pioneer Bank of Wisconsin	Ladysmith	WI
55348	Central City Credit Union	Marshfield	WI
54978	WESTconsin Credit Union	Menomonie	WI
55383	Park City Credit Union	Merrill	WI
55324	Choice bank	Oshkosh	WI
17766	National Bank of Commerce	Superior	WI
5484	Tomahawk Community Bank S.S.B	Tomahawk	WI

## Federal Home Loan Bank of Des Moines—District 8

17002	Security State Bank	Algona	IA
16186	Farmers Savings Bank	Beaman	IA
15624	Farmers Trust and Savings Bank	Buffalo Center	IA
54814	State Bank of Bussey	Bussey	IA
54847	Cedar Falls Community Credit Union	Cedar Falls	IA
54910	United Fire & Casualty Company	Cedar Rapids	IA
54937	United Life Insurance Company	Cedar Rapids	IA
54824	North Star	Cherokee	IA
15922	Clear Lake Bank and Trust Company	Clear Lake	IA
15821	Gateway State Bank	Clinton	IA
11132	Peoples Trust & Savings Bank	Clive	IA
10771	C US Bank	Cresco	IA
13743	Denver Savings Bank	Denver	IA
54971	Premier Credit Union	Des Moines	IA
54970	Des Moines Police Officers Credit Union	Des Moines	IA
10949	De Witt Bank & Trust Co	Dewitt	IA
15752	Premier Bank	Dubuque	IA
15849	Liberty Trust & Savings Bank	Durant	IA
15720	Farmers Trust & Savings Bank	Earling	IA
13799	Hardin County Savings Bank	Eldora	IA
13612	Bank Plus	Estherville	IA
15762	NorthStar Bank	Estherville	IA
15692	Fort Madison Bank & Trust Co	Fort Madison	IA
15663	Security Savings Bank	Gowrie	IA
13627	Midstates Bank, National Association	Harlan	IA
9204	Hills Bank and Trust Company	Hills	IA
15780	First State Bank	Ida Grove	IA
15887	Peoples Savings Bank	Indianola	IA
13677	Iowa Falls State Bank	Iowa Falls	IA
14723	Charter Bank	Johnston	IA
17084	Kingsley State Bank	Kingsley	IA
15644	Kerndt Brothers Savings Bank	Lansing	IA
16806	Laurens State Bank	Laurens	IA
10669	Libertyville Savings Bank	Libertyville	IA
15886	First State Bank	Lynnville	IA
15806	First National Bank of Manning	Manning	IA
15673	Valley Bank & Trust	Mapleton	IA
9612	Maquoketa State Bank	Maquoketa	IA
15541	Maynard Savings Bank	Maynard	IA

FHFA ID (Docket #)	Member	City	State
55384	Montezuma State Bank	Montezuma	IA
15709	Wayland State Bank	Mount Pleasant	IA
13676	Mount Vernon Bank & Trust Company	Mount Vernon	IA
10076	Community Bank and Trust Company	Muscatine	IA
16785	Community Bank of Oelwein	Oelwein	IA
54892	The Home Trust & Savings Bank	Osage	IA
11327	TruBank	Oskaloosa	IA
16800	Guthrie County State Bank	Panora	IA
17701	Tri-Valley Bank	Randolph	IA
17256	Houghton State Bank	Red Oak	IA
15434	Peoples Bank	Rock Valley	IA
15859	Rolfe State Bank	Rolfe	IA
17257	County Bank	Sigourney	IA
16951	South Story Bank & Trust	Slater	IA
17202	Citizens Savings Bank	Spillville	IA
15573	St. Ansgar State Bank	St. Ansgar	IA
17047	Central State Bank	State Center	IA
15596	Victor State Bank	Victor	IA
10977	Washington State Bank	Washington	IA
17023	Federation Bank	Washington	IA
17028	The Watkins Savings Bank	Watkins	IA
15822	West Iowa Bank	West Bend	IA
11001	FIDELITY BANK	West Des Moines	IA
11064	State Savings Bank	West Des Moines	IA
13639	Bank Iowa	West Des Moines	IA
15039	GuideOne Mutual Insurance Company	West Des Moines	IA
17649	Farmers State Bank	Yale	IA
13709	Sterling State Bank	Austin	MN
16211	State Bank of Danvers	Benson	MN
15781	First Farmers & Merchants Bank	Cannon Falls	MN
13638	Currie State Bank	Currie	MN
13708	State Bank of Delano	Delano	MN
7949	Voyager Bank	Eden Prairie	MN
17425	New Market Bank	Elko New Market	MN
6607	1st United Bank	Faribault	MN
54826	The Gary State Bank	Gary	MN
15593	Border State Bank	Greenbush	MN
15514	Citizens State Bank of Hayfield	Hayfield	MN
54878	Hermantown Federal Credit Union	Hermantown	MN
15763	Farmers State Bank of Hoffman	Hoffman	MN
15625	Key Community Bank	Inver Grove Heights	MN
17267	Kasson State Bank	Kasson	MN
2828	Lake City Federal Bank	Lake City	MN
13604	Lake Area Bank	Lindstrom	MN
17622	Peoples State Bank of Madison Lake	Madison Lake	MN
54912	Minnesota Valley Federal Credit Union	Mankato	MN
17546	TopLine Federal Credit Union	Maple Grove	MN
54893	Wilton Reassurance Company	Minneapolis	MN
15570	First National Bank of Moose Lake	Moose Lake	MN
15851	United Prairie Bank	Mountain Lake	MN
10623	American Bank of the North	Nashwauk	MN
10884	State Bank of New Prague	New Prague	MN
10870	ProGrowth Bank	Nicollet	MN
54906	Home Town Federal Credit Union	Owatonna	MN
17012	Lakes State Bank	Pequot Lakes	MN
55368	Trustone Financial Federal Credit Union	Plymouth	MN
17142	Bankwest	Rockford	MN
15719	Citizens State Bank of Roseau	Roseau	MN
6335	St James Federal Savings and Loan Association	Saint James	MN
17007	Affinity Plus Federal Credit Union	Saint Paul	MN
17516	BankVista	Sartell	MN
17207	Village Bank	St. Francis	MN
17393	Sentry Bank	St. Joseph	MN
15509	Nicollet County Bank of St. Peter (The)	St. Peter	MN
15884	Farmers State Bank of Trimont	Trimont	MN
16579	The First National Bank of Walker	Walker	MN
9662	Roundbank	Waseca	MN
17362	Welcome State Bank	Welcome	MN
17126	Ultima Bank Minnesota	Winger	MN
10961	Citizens Bank—Amsterdam	Amsterdam	MO
11336	Community State Bank of Missouri	Bowling Green	MO
16958	CBC Bank	Bowling Green	MO
16934	First Community Bank of the Ozarks	Branson	MO

FHFA ID (Docket #)	Member	City	State
11419	Pony Express Bank	Braymer	MO
17582	Cass Commercial Bank	Bridgeton	MO
16924	The Citizens-Farmers Bank of Cole Camp	Cole Camp	MO
10195	Landmark Bank, National Association	Columbia	MO
54830	Agents National Title Insurance Company	Columbia	MO
54859	Columbia Mutual Insurance Company	Columbia	MO
55385	Sherwood Community Bank	Creighton	MO
54876	Mid Missouri Credit Union	Fort Leonard Wood	MO
13764	New Era Bank	Fredericktown	MO
10775	Bank Star One	Fulton	MO
9496	Hawthorn Bank	Jefferson City	MO
11369	Central Trust Bank (The)	Jefferson City	MO
16784	United Missouri Insurance Company	Kansas City	MO
17033	Old American Insurance Company	Kansas City	MO
17517	Mazuma Credit Union	Kansas City	MO
15895	Macon-Atlanta State Bank	Macon	MO
11008	Regional Missouri Bank	Marceline	MO
11379	Nodaway Valley Bank	Maryville	MO
12394	Independent Farmers Bank	Maysville	MO
54843	Community Bank of Memphis	Memphis	MO
11199	Heritage State Bank	Nevada	MO
17569	Bank of New Cambria	New Cambria	MO
17538	First Bank of the Lake	Osage Beach	MO
15595	HOME BANK	Palmyra	MO
13841	Citizens Community Bank	Pilot Grove	MO
17856	Community Bank of Missouri	Richmond	MO
17401	Legacy Bank & Trust Company	Rogersville	MO
17451	Citizens Bank of Rogersville	Rogersville	MO
5106	Pulaski Bank	Saint Louis	MO
54949	Gateway Metro Federal Credit Union	Saint Louis	MO
15906	Bank of Salem	Salem	MO
11134	Merchants and Farmers Bank of Salisbury (The)	Salisbury	MO
17227	People's Bank of Seneca	Seneca	MO
54990	The Corner Stone Bank	South West City	MO
11292	Empire Bank	Springfield	MO
15547	Liberty Bank	Springfield	MO
54849	Educational Community Credit Union	Springfield	MO
54875	General American Life Insurance Company	St. Louis	MO
17650	First Missouri Credit Union	St. Louis	MO
55386	TH Insurance Holdings Company LLC	St. Louis	MO
17423	First State Bank of St. Robert	St. Robert	MO
10137	Bank Star of the BootHeel	Steele	MO
15518	Tipton Latham Bank, National Association (The)	Tipton	MO
16967	Royal Banks of Missouri	University City	MO
10542	Meramec Valley Bank	Valley Park	MO
2338	Quarry City Savings & Loan Association	Warrensburg	MO
17621	First Central Bank	Warrensburg	MO
11216	Bank of Washington	Washington	MO
17443	Bank of Franklin County	Washington	MO
55366	1st Financial Federal Credit Union	Wentzville	MO
6753	West Plains Savings & Loan Association	West Plains	MO
54936	Turtle Mountain State Bank	Belcourt	ND
54897	KodaBank	Drayton	ND
16966	First Community Credit Union	Jamestown	ND
55344	Railway Credit Union	Mandan	ND
10825	The First and Farmers Bank	Portland	ND
54950	Merchants Bank	Rugby	ND
16364	The Bank of Tioga	Tioga	ND
13711	First International Bank & Trust	Watford City	ND
55402	Security Savings Bank	Canton	SD
54907	Sentinel Federal Credit Union	Ellsworth AFB	SD
16799	Farmers State Bank	Marion	SD

## Federal Home Loan Bank of Dallas—District 9

8854	SOUTHBANK, FSB	Huntsville	AL
54801	The Bank of Augusta	Augusta	AR
10449	First National Bank of Crossett	Crossett	AR
11214	Cornerstone Bank	Eureka Springs	AR
10598	The Fnb of Fort Smith	Fort Smith	AR
16988	Bank of Gravett	Gravett	AR
54832	Horatio State Bank	Horatio	AR
9855	First National Bank	Hot Springs	AR

FHFA ID (Docket #)	Member	City	State
11215	Bank of Lake Village	Lake Village	AR
9592	Bank of the Ozarks	Little Rock	AR
17015	Capital Bank	Little Rock	AR
17036	Eagle Bank & Trust Company	Little Rock	AR
9924	First State Bank	Lonoke	AR
10787	Malvern National Bank	Malvern	AR
11083	Union Bank of Mena	Mena	AR
13507	Bank of Salem	Salem	AR
10278	First Security Bank	Searcy	AR
17294	Citizens Bank & Trust Company	Van Buren	AR
13695	Evolve Bank & Trust	West Memphis	AR
17149	Fidelity National Bank	West Memphis	AR
54889	Lakeside Bank	Lake Charles	LA
54982	Baton Rouge Telco Credit Union	Baton Rouge	LA
55319	ASI Federal Credit Union	Harahan	LA
11457	Kaplan State Bank	Kaplan	LA
54955	Vermillion Bank & Trust Company	Kaplan	LA
11447	Sabine State B&T Company	Many	LA
16	State-Investors Bank	Metairie	LA
54852	Jefferson Financial	Metairie	LA
10901	Progressive Bank	Monroe	LA
11399	Exchange Bank & Trust Company	Natchitoches	LA
10886	Liberty Bank and Trust Co	New Orleans	LA
57	Home Federal Bank	Shreveport	LA
10808	Sicily Island State Bank	Sicily Island	LA
11396	St. Martin Bank & Trust Co	St. Martinville	LA
11229	Concordia Bank & Trust Co	Vidalia	LA
10962	Evangeline Bank & Trust	Ville Platte	LA
10821	Citizens Bank & Trust Company	Vivian	LA
9754	BankPlus	Belzoni	MS
6468	First Southern Bank	Columbia	MS
11466	Commercial Bank	Dekalb	MS
10896	Community Bank of Mississippi	Forest	MS
11294	Century Bank	Lucedale	MS
11309	Great Southern National Bank	Meridian	MS
10752	Newton County Bank	Newton	MS
11401	FNB Oxford	Oxford	MS
10889	Citizens Bank	Philadelphia	MS
11471	Renasant Bank	Tupelo	MS
54916	Rio Grande Credit Union	Albuquerque	NM
16992	New Mexico Bank & Trust	Albuquerque	NM
54792	U.S. New Mexico Federal Credit Union	Albuquerque	NM
54817	New Mexico Mutual Casualty Company	Albuquerque	NM
55393	Mountain States Mutual Casualty Company	Albuquerque	NM
10662	The Carlsbad National Bank	Carlsbad	NM
55369	The Bank of Clovis	Clovis	NM
11384	Western Bank	Lordsburg	NM
450	Pioneer Bank	Roswell	NM
11300	Community Bank	Santa Fe	NM
11698	The First National Bank of Santa Fe	Santa Fe	NM
10688	Centinel Bank of Taos	Taos	NM
52424	United Funeral Benefit Life Insurance Company	Oklahoma City	OK
54891	Texas Advantage Community Bank, National Association	Alvin	TX
16768	Texas Champion Bank	Alice	TX
10978	Amarillo National Bank	Amarillo	TX
54795	The Education Credit Union	Amarillo	TX
54788	Worthington National Bank	Arlington	TX
16935	First National Bank of Bellville	Bellville	TX
10799	International Bank of Commerce	Brownsville	TX
11966	Western Bank	Lubbock	TX
55404	American Momentum Bank	College Station	TX
11670	American National Bank	Corpus Christi	TX
16823	Valuebank Texas	Corpus Christi	TX
11362	Triumph Savings Bank, SSB	Dallas	TX
55375	Trinity Universal Insurance Company	Dallas	TX
54790	Prestige Community	Dallas	TX
55406	Shell Federal Credit Union	Deer Park	TX
13594	The Bank & Trust, SSB	Del Rio	TX
54890	Security First Federal Credit Union	Edinburg	TX
9590	WestStar Bank	El Paso	TX
16821	Capital Bank, SSB	El Paso	TX
11206	First National Bank of Fabens	Fabens	TX
16836	Woodhaven National Bank	Fort Worth	TX

FHFA ID (Docket #)	Member	City	State
52018	Texas Regional Bank	Harlingen	TX
17568	Texas Bank	Henderson	TX
16968	First National Bank of Hereford	Hereford	TX
9518	Amegy Bank National Association	Houston	TX
14822	New Era Life Insurance Company	Houston	TX
54857	First Service Credit Union	Houston	TX
54904	Primeway Federal Credit Union	Houston	TX
54864	Cy-Fair Federal Credit Union	Houston	TX
55374	SPCO Credit Union	Houston	TX
10026	The Fnb of Hughes Springs	Hughes Springs	TX
10860	First National Bank of Huntsville	Huntsville	TX
55364	The Karnes County National Bank of Karnes City	Karnes City	TX
10788	International Bank of Commerce	Laredo	TX
17822	Security State Bank	Littlefield	TX
11470	First State Bank of Livingston	Livingston	TX
16202	First-Lockhart National Bank	Lockhart	TX
16989	Community Bank	Longview	TX
17019	City Bank	Lubbock	TX
55378	Alliance Federal Credit Union	Lubbock	TX
17462	Rio Bank	McAllen	TX
17347	First National Bank of McGregor	McGregor	TX
17778	Independent Bank	McKinney	TX
11790	First Bank & Trust Of Memphis	Memphis	TX
17179	Citizens State Bank	Miles	TX
17790	Oglesby State Bank	Oglesby	TX
15567	Crockett County National Bank	Ozona	TX
17035	First State Bank	Paint Rock	TX
6301	Interstate Bank, SSB	Perryton	TX
7589	Cypress Bank, State Savings Bank	Pittsburg	TX
15546	First Capital Bank	Quanah	TX
9671	Benchmark Bank	Quinlan	TX
17645	Bank Texas, National Association	Quitman	TX
11045	Peoples State Bank	Rocksprings	TX
10985	Texas State Bank	San Angelo	TX
11541	San Antonio Federal Credit Union	San Antonio	TX
15825	Frost Bank	San Antonio	TX
52190	American Bank of Texas	Sherman	TX
54930	The First National Bank of Shiner	Shiner	TX
17505	First National Bank of Sonora	Sonora	TX
55365	Houston Federal Credit Union	Sugar Land	TX
11263	Commercial NB of Texarkana	Texarkana	TX
11033	Southside Bank	Tyler	TX
10721	American Bank, National Association	Waco	TX
9954	Union Square Federal Credit Union	Wichita Falls	TX
54813	Texoma Community Credit Union	Wichita Falls	TX
55347	Hochheim Prairie Farm Mutual Insurance Association	Yoakum	TX
55381	First State Bank	Yoakum	TX
10800	International Bank Of Commerce	Zapata	TX

## Federal Home Loan Bank of Topeka—District 10

54903	Redstone Bank	Aurora	CO
14346	Canon National Bank	Canon City	CO
54986	Centennial Bank	Centennial	CO
15194	Ent Federal Credit Union	Colorado Springs	CO
10779	Guaranty Bank and Trust Co	Denver	CO
14275	Public Service Employees Credit Union	Denver	CO
55337	Northstar Bank of Colorado	Denver	CO
55355	Bankers' Bank of the West	Denver	CO
54940	Coors Credit Union	Golden	CO
54870	Foothills Credit Union	Lakewood	CO
55352	Minnequa Works Credit Union	Pueblo	CO
54861	The Baldwin State Bank	Baldwin City	KS
13525	Community State Bank	Coffeyville	KS
13646	The Fnb of Conway Springs	Conway Springs	KS
4214	Liberty SA, FSA	Fort Scott	KS
13537	The City State Bank	Fort Scott	KS
54838	The Fowler State Bank	Fowler	KS
55390	Goppert State Service Bank	Garnett	KS
54793	The Freeport State Bank	Harper	KS
54894	Heartland Credit Union	Hutchinson	KS
11567	FirstOak Bank	Independence	KS
54901	The Johnson State Bank	Johnson	KS

FHFA ID (Docket #)	Member	City	State
54818	Upland Mutual Insurance, Inc	Junction City	KS
15588	Alterra Bank	Leawood	KS
55350	Vintage Bank Kansas	Leon	KS
8990	Kansas State Bank of Manhattan	Manhattan	KS
15637	Stockgrowers State Bank	Maple Hill	KS
17714	The Marion National Bank	Marion	KS
14782	Citizens State Bank of Marysville	Marysville	KS
17554	Farmers And Merchants Bank of Mound City	Mound City	KS
13613	The Kansas State Bank	Overbrook	KS
17571	Bank of Palmer	Palmer	KS
17597	Farmers State Bank	Phillipsburg	KS
15622	First National Bank in Pratt	Pratt	KS
17808	Prescott State Bank	Prescott	KS
55405	The Bank of Protection	Protection	KS
17089	Astra Bank	Scandia	KS
15726	The First National Bank of Scott City	Scott City	KS
54941	SM Federal Credit Union	Shawnee Mission	KS
15669	Centera Bank	Sublette	KS
54844	Educational Credit Union	Topeka	KS
3042	First Fs&la of Wakeeney	Wakeeney	KS
10880	Kaw Valley State Bank & Trust Co	Wamego	KS
15583	Bank of the Flint Hills	Wamego	KS
54931	CBW Bank	Weir	KS
52779	Farmers State Bank of Westmoreland	Westmoreland	KS
6081	Fidelity Bank	Wichita	KS
52171	First Bank of Bancroft	Bancroft	NE
54819	Sandhills State Bank	Bassett	NE
55332	Eagle State Bank	Eagle	NE
15703	First Bank & Trust of Fullerton	Fullerton	NE
14701	Heartland Bank	Geneva	NE
3519	Home FS&LA of Grand Island	Grand Island	NE
7056	Equitable Bank	Grand Island	NE
10480	The Hershey State Bank	Hershey	NE
54882	First National Bank of Holdrege	Holdrege	NE
15694	Bank of Keystone	Keystone	NE
5760	Home Fs&la of Nebraska	Lexington	NE
3896	Lincoln FSB of Nebraska	Lincoln	NE
13630	First National Bank Northeast	Lyons	NE
7715	Madison County Bank	Madison	NE
15948	Frontier Bank	Madison	NE
9353	Farmers & Merchants Bank	Milford	NE
52178	Corn Growers State Bank	Murdock	NE
17697	Murray State Bank	Murray	NE
17555	Bank of Newman Grove	Newman Grove	NE
11510	BankFirst	Norfolk	NE
17594	Elkhorn Valley Bank & Trust	Norfolk	NE
15362	Nebraskaland National Bank	North Platte	NE
54791	Medico Insurance Company	Omaha	NE
54883	Omaha Federal Credit Union	Omaha	NE
54954	United Republic Bank	Omaha	NE
15866	Pender State Bank	Pender	NE
15702	Midwest Bank, NA	Pierce	NE
15876	Town & Country Bank	Ravenna	NE
9363	First State Bank	Scottsbluff	NE
3360	Sidney Fs&la	Sidney	NE
15873	Springfield State Bank	Springfield	NE
17328	Bank of Stapleton	Stapleton	NE
17837	Tri-Valley Bank	Talmage	NE
5275	Tecumseh Federal Bank	Tecumseh	NE
15313	First Bank of Utica	Utica	NE
17088	Oak Creek Valley Bank	Valparaiso	NE
10934	Farmers State Bank	Wallace	NE
17087	Commercial State Bank	Wausa	NE
15794	Citizens State Bank	Wisner	NE
17320	Cornerstone Bank	York	NE
15030	Truity Federal Credit Union	Bartlesville	OK
52136	AVB Bank	Broken Arrow	OK
54879	AllNations Bank	Calumet	OK
54926	Bank of Commerce	Chouteau	OK
16947	Cleo State Bank	Cleo Springs	OK
7832	Grands Savings Bank	Grove	OK
13633	Grand Lake Bank	Grove	OK
11619	Bank of Hydro	Hydro	OK

FHFA ID (Docket #)	Member	City	State
54942 .....	First Oklahoma Bank .....	Jenks .....	OK
15608 .....	Armstrong Bank .....	Muskogee .....	OK
13606 .....	The Citizens State Bank .....	Okemah .....	OK
11373 .....	First Enterprise Bank .....	Oklahoma City .....	OK
55351 .....	Oklahoma Federal Credit Union .....	Oklahoma City .....	OK
11655 .....	Bank of Cordell .....	Rocky .....	OK
17181 .....	Lakeside Bank of Salina .....	Salina .....	OK
52194 .....	SNB Bank, National Association .....	Shattuck .....	OK
15757 .....	Anchor D Bank .....	Texhoma .....	OK
17589 .....	The Bank of the West .....	Thomas .....	OK
15927 .....	Energy One Federal Credit Union .....	Tulsa .....	OK
54947 .....	Red Crown Federal Credit Union .....	Tulsa .....	OK
15944 .....	First Bank & Trust Company .....	Wagoner .....	OK
15316 .....	Bank of Commerce .....	Yukon .....	OK

## Federal Home Loan Bank of San Francisco—District 11

52772 .....	Western Alliance Bank .....	Phoenix .....	AZ
55377 .....	Oxford Life Insurance Company .....	Phoenix .....	AZ
54829 .....	Pinnacle Bank .....	Scottsdale .....	AZ
55387 .....	Tucson Federal Credit Union .....	Tucson .....	AZ
8084 .....	Eastern International Bank .....	Alhambra .....	CA
15473 .....	New OMNI Bank, National Association .....	Alhambra .....	CA
52076 .....	Kern Schools Federal Credit Union .....	Bakersfield .....	CA
54933 .....	Valley Republic Bank .....	Bakersfield .....	CA
17634 .....	Chino Commercial Bank, N.A. ....	Chino .....	CA
52091 .....	Bank of Marin .....	Corte Madera .....	CA
52572 .....	Coast Central Credit Union .....	Eureka .....	CA
52789 .....	Fresno County Federal Credit Union .....	Fresno .....	CA
55388 .....	Western Federal Credit Union .....	Hawthorne .....	CA
55389 .....	Caltech Employees Federal Credit Union .....	La Canada Flintridge .....	CA
13589 .....	Farmers & Merchants Bank of Central California .....	Lodi .....	CA
16774 .....	State Bank of India (California) .....	Los Angeles .....	CA
17075 .....	BBCN Bank .....	Los Angeles .....	CA
17183 .....	Wilshire Bank .....	Los Angeles .....	CA
52793 .....	American Business Bank .....	Los Angeles .....	CA
54914 .....	Grandpoint Bank .....	Los Angeles .....	CA
54845 .....	Royal Business Bank .....	Los Angeles .....	CA
54993 .....	Banamex USA .....	Los Angeles .....	CA
52007 .....	Kinecta Federal Credit Union .....	Manhattan Beach .....	CA
55362 .....	Camino Federal Credit Union .....	Montebello .....	CA
52473 .....	SAFE Credit Union .....	North Highlands .....	CA
8855 .....	United Business Bank, F.S.B. ....	Oakland .....	CA
15466 .....	Wescom Central Credit Union .....	Pasadena .....	CA
54958 .....	Pasadena Service Federal Credit Union .....	Pasadena .....	CA
16781 .....	1st United Services Credit Union .....	Pleasanton .....	CA
17173 .....	Valley Community Bank .....	Pleasanton .....	CA
15698 .....	Redding Bank of Commerce .....	Redding .....	CA
54877 .....	San Mateo Credit Union .....	Redwood City .....	CA
13357 .....	University & State Employees Credit Union .....	San Diego .....	CA
15472 .....	San Diego County Credit Union .....	San Diego .....	CA
17399 .....	San Diego Metropolitan Credit Union .....	San Diego .....	CA
17635 .....	Point Loma Credit Union .....	San Diego .....	CA
54989 .....	North County Credit Union .....	San Diego .....	CA
15395 .....	Chevron Federal Credit Union .....	San Francisco .....	CA
15951 .....	California Bank & Trust .....	San Francisco .....	CA
52439 .....	Northeast Community Federal Credit Union .....	San Francisco .....	CA
54834 .....	First Republic Bank .....	San Francisco .....	CA
55346 .....	S.F. Police Credit Union .....	San Francisco .....	CA
54887 .....	New Resource Bank .....	San Francisco .....	CA
17150 .....	Alliance Credit Union .....	San Jose .....	CA
55349 .....	Capital Bank .....	San Juan Capistrano .....	CA
52565 .....	Coast National Bank .....	San Luis Obispo .....	CA
52472 .....	Bridge Bank, N.A. ....	Santa Clara .....	CA
52480 .....	Silicon Valley Bank .....	Santa Clara .....	CA
52713 .....	Community Bank of Santa Maria .....	Santa Maria .....	CA
52818 .....	Pacific Western Bank .....	Santa Monica .....	CA
7960 .....	Luther Burbank Savings .....	Santa Rosa .....	CA
14780 .....	Sunwest Bank .....	Tustin .....	CA
54794 .....	Mendo Lake Credit Union .....	Ukiah .....	CA
52895 .....	County Commerce Bank .....	Ventura .....	CA
54888 .....	Bank of Feather River .....	Yuba City .....	CA
55370 .....	Greater Nevada Credit Union .....	Carson City .....	NV

FHFA ID (Docket #)	Member	City	State
52844 .....	Town & Country Bank .....	Las Vegas .....	NV
54797 .....	Meadows Bank .....	Las Vegas .....	NV

## Federal Home Loan Bank of Seattle—District 12

14844 .....	First National Bank of Anchorage .....	Anchorage .....	AK
8885 .....	First Bank .....	Ketchikan .....	AK
5991 .....	Territorial Savings Bank .....	Honolulu .....	HI
9549 .....	Aloha Pacific Federal Credit Union .....	Honolulu .....	HI
55354 .....	HMSA Employees Federal Credit Union .....	Honolulu .....	HI
54827 .....	Community 1st Bank .....	Post Falls .....	ID
13461 .....	Rocky Mountain Bank .....	Billings .....	MT
54983 .....	Billings Federal Credit Union .....	Billings .....	MT
11267 .....	Three Rivers Bank of Montana .....	Kalispell .....	MT
10556 .....	American Bank of Montana .....	Livingston .....	MT
13106 .....	Western Bank of Wolf Point .....	Wolf Point .....	MT
15343 .....	Rogue Federal Credit Union .....	Medford .....	OR
55357 .....	Standard Insurance Company .....	Portland .....	OR
10745 .....	First National Bank of Layton .....	Layton .....	UT
55338 .....	Wasatch Peaks Credit Union .....	Ogden .....	UT
13865 .....	Capital Community Bank .....	Orem .....	UT
8926 .....	Zions First National Bank .....	Salt Lake City .....	UT
55000 .....	Nebo Credit Union .....	Springville .....	UT
1626 .....	Anchor Mutual Savings Bank .....	Aberdeen .....	WA
10584 .....	The Bank of the Pacific .....	Aberdeen .....	WA
9745 .....	Whatcom Educational Credit Union .....	Bellingham .....	WA
14463 .....	Kitsap Credit Union .....	Bremerton .....	WA
9431 .....	Security State Bank .....	Centralia .....	WA
13657 .....	The Wheatland Bank .....	Davenport .....	WA
11224 .....	Islanders Bank .....	Friday Harbor .....	WA
11936 .....	1st Security Bank of Washington .....	Lynnwood .....	WA
2763 .....	Heritage Bank .....	Olympia .....	WA
16979 .....	South Sound Bank .....	Olympia .....	WA
54957 .....	Liberty Bay Bank .....	Poulsbo .....	WA
8324 .....	HomeStreet Bank .....	Seattle .....	WA
12913 .....	Sound Community Bank .....	Seattle .....	WA
14310 .....	Spokane Teachers Credit Union .....	Spokane .....	WA
54951 .....	RiverBank .....	Spokane .....	WA
9429 .....	Sound Banking Company .....	Tacoma .....	WA
15224 .....	TAPCO Credit Union .....	Tacoma .....	WA
16764 .....	Columbia Community Credit Union .....	Vancouver .....	WA
1691 .....	Banner Bank .....	Walla Walla .....	WA
7664 .....	Security First Bank .....	Cheyenne .....	WY
10839 .....	Cowboy State Bank .....	Ranchester .....	WY
9902 .....	The Rawlins National Bank .....	Rawlins .....	WY

## II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before March 31, 2015, each Bank will notify its Advisory Council, nonprofit housing developers, community groups and other interested parties in its district of the members of the Bank selected for this review cycle. 12 CFR 1290.2(b)(2)(ii). In reviewing a member for community support compliance, FHFA will consider any public comments it has received concerning the member. 12 CFR 1290.2(d). To ensure consideration by FHFA, comments concerning the community support performance of members selected for this review cycle must be submitted to FHFA, either by electronic mail to [hmgcommunitysupportprogram@fhfa.gov](mailto:hmgcommunitysupportprogram@fhfa.gov), or by fax to

202–649–4130, on or before April 30, 2015.

Dated: March 9, 2015.

**Melvin L. Watt,**

*Director, Federal Housing Finance Agency.*

[FR Doc. 2015–05802 Filed 3–13–15; 8:45 am]

**BILLING CODE 8070–01–P**

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

## Sunshine Act Notice

March 12, 2015.

**TIME AND DATE:** 10:00 a.m., Wednesday, April 8, 2015.

**PLACE:** The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session: *Secretary of Labor v. Wade Sand & Gravel Company*, Docket No. SE 2013–120–M. (Issues include whether the Administrative Law Judge erred in upholding the Secretary of Labor's interpretation of his regulations governing the proposal of civil penalties.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:**

Emogene Johnson (202) 434–9935/(202)



708–9300 for TDD Relay/1–800–877–8339 for toll free.

**Emogene Johnson,**  
*Administrative Assistant.*

[FR Doc. 2015–06103 Filed 3–12–15; 4:15 pm]

**BILLING CODE 6735–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 31, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Frank E. Smith, Lander, Wyoming, and Mark A. Kiolbasa, Cheyenne, Wyoming*; as a group acting in concert, to acquire voting shares of Commercial Bancorp, and thereby indirectly acquire voting shares of Farmers State Bank, both in Pine Bluffs, Wyoming.

Board of Governors of the Federal Reserve System, March 11, 2015.

**Michael J. Lewandowski,**  
*Associate Secretary of the Board.*

[FR Doc. 2015–05914 Filed 3–13–15; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Sunshine Act; Notice of Meeting

**TIME AND DATE:** Parts open to the public begin at 10:00 a.m. March 23, 2015.

**PLACE:** 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

**STATUS:** Parts will be open to the public and parts closed to the public.

### MATTERS TO BE CONSIDERED:

#### Parts Closed to the Public

1. Procurement

### Parts Open to the Public

2. Approval of the Minutes of the February 23, 2015 Board Member Meeting.
3. Monthly Reports
  - a. Monthly Participant Activity Report
  - b. Monthly Investment Policy Review
  - c. Legislative Report
4. Quarterly Metrics Report
5. OCFO Report

### CONTACT PERSON FOR MORE INFORMATION:

Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: March 12, 2015.

**James Petrick,**  
*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2015–06044 Filed 3–12–15; 11:15 am]

**BILLING CODE 6760–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Medical Imaging Investigations.

*Date:* March 24, 2015.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, [mohsenim@csr.nih.gov](mailto:mohsenim@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty Global Brain Disorders.

*Date:* March 26–27, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, [nadis@csr.nih.gov](mailto:nadis@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Review of HIV/AIDS-related Career Development Award Applications.

*Date:* March 30, 2015.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, [rubertm@csr.nih.gov](mailto:rubertm@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR 13–323: Increased Knowledge and Innovative Strategies to Reduce HIV Incidence—iKnow Projects.

*Date:* March 31, 2015.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, [rubertm@csr.nih.gov](mailto:rubertm@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR13–189: Imaging and Biomarkers for Early Cancer Detection.

*Date:* April 1, 2015.

*Time:* 10:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Chiayeng Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Room 5213, MSC 7852, Bethesda, MD 20892, 301–435–2397, [chiayeng.wang@nih.gov](mailto:chiayeng.wang@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

*Date:* April 1, 2015.

*Time:* 11:30 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mark P. Rubert, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1775, [rubertm@csr.nih.gov](mailto:rubertm@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-GM-15-006: Training Modules to Enhance Data Reproducibility (R25).

*Date:* April 8, 2015.

*Time:* 10:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301-435-1236, [smirnova@csr.nih.gov](mailto:smirnova@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular and Functional Signatures in Neuropsychiatric Disorders.

*Date:* April 8, 2015.

*Time:* 2:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 5205 MSC7846, Bethesda, MD 20892, (301) 435-1021, [rovesca@mail.nih.gov](mailto:rovesca@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 10, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05819 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; 60-Day Comment Request; DERT Extramural Grantee Data Collection (NIEHS)

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the

National Institute of Environmental Health Sciences, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*To Submit Comments and for Further Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact\*: Dr. Kristianna Pettibone, Evaluator, Program Analysis Branch, NIEHS, NIH, 530 Davis Dr., Room 3055, Morrisville, NC 20560, or call non-toll-free number (919) 541-7752 or Email your request, including your address to: [pettibonekg@niehs.nih.gov](mailto:pettibonekg@niehs.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

*Proposed Collection DERT Extramural Grantee Data Collection, 0925-0657, Expiration Date 06/30/2015—* REVISION, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

*Need and Use of Information Collection:* In order to make informed management decisions about its research programs and to demonstrate the outputs, outcomes and impacts of its research programs NIEHS will collect,

analyze and report on data from extramural grantees who are currently receiving funding or who have received funding in the past on topics such as: (1) Key scientific outcomes achieved through the research and the impact on the field of environmental health science; (2) Contribution of research findings to program goals and objectives; (3) Satisfaction with the program support received; (4) Challenges and benefits of the funding mechanism used to support the science; and (5) Emerging research areas and gaps in the research.

Information gained from this primary data collection will be used in conjunction with data from grantee progress reports and presentations at grantee meetings to inform internal programs and new funding initiatives. Outcome information to be collected includes measures of agency-funded research resulting in dissemination of findings, investigator career development, grant-funded knowledge and products, commercial products and drugs, laws, regulations and standards, guidelines and recommendations, information on patents and new drug applications and community outreach and public awareness relevant to extramural research funding and emerging areas of research. Satisfaction information to be collected includes measures of satisfaction with the type of funding or program management mechanism used, challenges and benefits with the program support received, and gaps in the research.

*Frequency of Response:* Once per grantee, per research portfolio. *Affected Public:* Current or past grantees from:

- Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD);
- National Institute on Deafness and Other Communication Disorders (NIDCD);
- National Institute of Mental Health (NIMH);
- National Institute of Neurological Disorders and Stroke (NINDS);
- National Institute of Environmental Health Sciences (NIEHS); and
- National Cancer Institute (NCI).

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 700.

## ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
NICHD Grantee .....	200	1	30/60	100
NIDCD Grantee .....	200	1	30/60	100
NIMH Grantee .....	200	1	30/60	100
NINDS Grantee .....	200	1	30/60	100
NCI Grantee .....	400	1	30/60	200
NIEHS Grantee .....	200	1	30/60	100

Dated: March 5, 2015.

**Joellen M. Austin,**

*Associate Director for Management, NIEHS, NIH.*

[FR Doc. 2015-05927 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID SBIR—Technology Transfer Direct Phase II (SBIR-TT) (R44).

*Date:* April 7, 2015.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

*Contact Person:* Thomas F. Conway, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers, Rockville, MD 20892, 240-669-5069, [thomas.conway@nih.gov](mailto:thomas.conway@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05826 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Submission for OMB Review; 30-Day Comment Request: Outcome Evaluation of the Broadening Experiences in Scientific Training (BEST) Program (OD)

**SUMMARY:** Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of Strategic Coordination, an office of the Division of Program Coordination, Planning, and Strategic Initiatives, within the Office of the Director at the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 26, 2014, (79 FR 50921) and allowed 60-days for public comment. During the 60-day comment period, two requests for information were received. Both individuals requested the data collection plans and the data collection instruments and one also asked for background information. In response to these two requests, electronic copies of the following surveys were emailed: Entrance, Interim, Exit, and Post-Exit. Additionally, both individuals were provided with a brief overview of the program and a link to the NIH Web site that contains detailed information about the BEST program and the awardees. No additional comments were received from the two individuals who requested this information. The purpose of this notice is to allow an additional 30 days for public comment. The Office of Strategic Coordination (OSC), an office

of the Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), within the Office of the Director (OD) at the National Institutes of Health (NIH) may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

*Direct Comments to OMB:* Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to 202-395-6974, Attention: NIH Desk Officer.

**DATES:** *Comment due date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Patricia Labosky, Office of Strategic Coordination, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, NIH, 1 Center Drive, MSC 0189, Building 1, Room 214A, Bethesda, MD 20892-0189. Telephone: 301-594-4863. Fax: 301-435-7268. or email your request, including your address to: [Workforce\\_Award@mail.nih.gov](mailto:Workforce_Award@mail.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

*Proposed Collection:* Outcome Evaluation of the Broadening Experiences in Scientific Training (BEST) Program (OD), 0925-NEW, the Office of Strategic Coordination (OSC), an office of the Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), within the Office of

the Director (OD) at the National Institutes of Health (NIH).

#### *Need and Use of Information*

*Collection:* This cross-site evaluation study will assess three desired outcomes: (1) Changes in understanding of career opportunities, confidence to make career decisions, and attitudes towards career opportunities; (2) reduced time to desired, non-training, non-terminal career opportunities, and reduced time in postdoctoral positions;

and (3) creation/further development of institutional infrastructure to continue BEST-like activities. The first two desired outcomes are for graduate students and postdoctoral scientists from the awardee institutions, the third desired outcome is for the awardee institutions. The findings will be used to: (1) Identify and document best practices in the field of biomedical research training, (2) inform the NIH Director, DPCPSI Director, and OSC

Director on the outcomes of the BEST program, and (3) disseminate best practices and outcomes of the BEST program to biomedical training programs and the research community.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 8,106.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hours)	Total annual hour burden
Graduate Student—Entrance Survey (online survey) .....	4,519	1	20/60	1,506
Graduate Student—Interim Survey (online survey) .....	11,296	1	15/60	2,824
Graduate Student—Exit Survey (online survey) .....	3,012	1	15/60	753
Graduate Student—Post-Exit 2-year Survey (online survey) .....	3,012	1	15/60	753
Postdoctoral Scientist—Entrance Survey (online survey) .....	3,137	1	20/60	1,046
Postdoctoral Scientist—Exit Survey (online survey) .....	2,091	1	15/60	523
Postdoctoral Scientist—Post-Exit 2-year Survey (online survey) .....	2,091	1	15/60	523
Program Staff—Annual Phone Interview .....	83	1	1	83
PIs—Data Form Section 1 (reported annually) .....	17	1	180/60	51
PIs—Data Form Section 2 (reported annually) .....	17	1	90/60	26
PIs—Data Form Section 3 (reported once) .....	17	1	30/60	9
PIs—Data Form Section 4 (reported once) .....	17	1	30/60	9

Dated: March 10, 2015.

**Lawrence A. Tabak,**

*Deputy Director, National Institutes of Health.*

[FR Doc. 2015-05932 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-15-0932]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

#### Proposed Project

Data Collection for Evaluation of Education, Communication, and Training Activities (OMB No. 0920-0932, expires 05/31/2015)—Revision—National Center for Emerging and

Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Division of Global Migration and Quarantine (DGMQ) is requesting a revision of a currently approved generic clearance to conduct evaluation research. This will help CDC plan and implement health communication, education, and training activities to improve health and prevent the spread of disease. These activities include communicating with international travelers and other mobile populations, training healthcare providers, and educating public health departments and other federal partners.

The information collection for which the revision is sought is in accordance with DGMQ's mission to reduce morbidity and mortality among immigrants, refugees, travelers, expatriates, and other globally mobile populations, and to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. This mission is supported by delegated legal authorities outlined in the Public Health Service (PHS) Act (42 U.S.C. 264) and in regulations that are codified in 42 Code of Federal Regulations (CFR) parts 70 and 71, and 34.

Since receiving initial approval for this generic, CDC has conducted five information collections. These information collections supported an Evaluation of Adapted Health Education Materials for LEP Spanish Speakers and Indigenous Migrants; Evaluation of the TravAlert Electronic Messaging System; a project entitled Scan This: Effectiveness of Quick Response Codes for Engaging International Panel Physicians; and two collections involving CDC's Check and Report Ebola programs (CARE and CARE+) (The CARE+ evaluation is still underway as of the date of this notice). In order, these projects evaluated materials designed for specific audiences to determine if CDC's methods for communicating key public health messages were translated appropriately for low-English proficiency residents in the United States, were effective in reaching travelers in airports, were useful in making CDC's immigration medical exam technical instructions more accessible, and were helpful in reaching

individuals and assessing their knowledge, attitudes, beliefs, and behaviors concerning enhanced screening for Ebola at U.S. ports of entry and follow-up under active monitoring.

Approval of this revision of the generic information collection will allow DGMQ to continue to collect, in an expedited manner, information about the knowledge, attitudes, and behaviors of key audiences (such as refugees, immigrants, migrants, international travelers, travel industry partners, healthcare providers, non-profit agencies, customs brokers and forwarders, schools, state and local health departments) to help improve and inform these activities during both routine and emergency public health events. This generic OMB clearance will help DGMQ continue to refine these efforts in a timely manner, and will be especially valuable for communication activities that must occur quickly in response to public health emergencies.

DGMQ staff will use a variety of data collection methods for this proposed project: Interviews, focus groups,

surveys, and pre/post-tests. Depending on the research questions and audiences involved, data may be gathered in-person, by telephone, online, or using some combination of these formats. Data may be collected in quantitative and/or qualitative forms. Numerous audience variables will be assessed under the auspices of this generic OMB clearance. These include, but are not limited to, knowledge, attitudes, beliefs, behavioral intentions, practices, behaviors, skills, self-efficacy, and information needs and sources. Insights gained from evaluation research will assist in the development, refinement, implementation, and demonstration of outcomes and impact of communication, education, and training activities.

DGMQ estimates involvement of 37,500 respondents and 17,835 hours of burden for evaluation research activities each year. The collected information will not impose a cost burden on the respondents beyond that associated with their time to provide the required data.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Public .....	Focus Groups Screening form .....	2,100	1	10/60
Healthcare Professionals .....	Focus Groups Screening form .....	900	1	10/60
General Public .....	Focus Group Guide .....	1,050	1	1.5
Healthcare Professionals .....	Focus Group Guide .....	450	1	1.5
General Public .....	Interview Screening Form .....	1,400	1	10/60
Healthcare Professionals .....	Interview Screening Form .....	600	1	10/60
General Public .....	Interview Guide .....	700	1	1
Healthcare Professionals Interviews .....	Interview Guide .....	300	1	1
General Public .....	Survey Screening Forms .....	10,500	1	10/60
Healthcare Professionals .....	Survey Screening Forms .....	4,500	1	10/60
General Public .....	Surveys .....	5,250	1	45/60
Healthcare Professionals .....	Surveys .....	2,250	1	45/60
General Public .....	Pre/Post Tests .....	5,250	1	45/60
Healthcare Professionals .....	Pre/Post Tests .....	2,250	1	45/60

#### Leroy A. Richardson,

Chief, Information Collection Review Office,  
Office of Scientific Integrity, Office of the  
Associate Director for Science, Office of the  
Director, Centers for Disease Control and  
Prevention.

[FR Doc. 2015-05902 Filed 3-13-15; 8:45 am]

BILLING CODE 4163-18-P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Substance Abuse and Mental Health Services Administration National Advisory Council; Notice of Meeting

Pursuant to Public Law 92-463,  
notice is hereby given of the meeting of

the Substance Abuse and Mental Health  
Service Administration's (SAMHSA)  
National Advisory Council (NAC) on  
April 17, 2015.

The meeting will include a recap of  
the April 16, 2015, meeting of the Joint  
National Advisory Council, an update  
from the SAMHSA Administrator, and  
discussions regarding health  
information technology, delivery system  
reform, and the ecological model of  
integration.

The meeting is open to the public and  
will be held at the SAMHSA building,  
1 Choke Cherry Road, Rockville, MD  
20850. Attendance by the public will be  
limited to space available. Interested  
persons may present data, information,

or views, orally or in writing, on issues  
pending before the Council. Written  
submissions should be forwarded to the  
contact person on or before April 7,  
2015. Oral presentations from the public  
will be scheduled at the conclusion of  
the meeting. Individuals interested in  
making oral presentations are  
encouraged to notify the contact on or  
before April 7, 2015. Five minutes will  
be allotted for each presentation.

The meeting may be accessed via  
telephone and web conferencing will be  
available. To attend on site; obtain the  
call-in number, access code, and/or web  
access link; submit written or brief oral  
comments; or request special  
accommodations for persons with

disabilities, please register on-line at: <http://nac.samhsa.gov/Registration/meetingsRegistration.aspx>, or communicate with SAMHSA's Committee Management Officer, LCDR Holly Berilla (see contact information below).

Substantive meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at: <http://www.samhsa.gov/about-us/advisory-councils/samhsa-national-advisory-council> or by contacting LCDR Berilla.

Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, <http://nac.samhsa.gov/>, or by contacting LCDR Berilla.

*Council Name:* Substance Abuse and Mental Health Services Administration National Advisory Council.

*Date/Time/Type:* April 17, 2015, from 8:30 a.m. to 1:00 p.m. (EDT), Open.

*Place:* SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20850.

*Contact:* LCDR Holly Berilla, Committee Management Officer and Designated Federal Officer, SAMHSA National Advisory Council, 1 Choke Cherry Road, Rockville, Maryland 20857 (mail), *Telephone:* (240) 276-1252, *Fax:* (240) 276-2252, *Email:* [holly.berilla@samhsa.hhs.gov](mailto:holly.berilla@samhsa.hhs.gov).

#### Summer King,

*Statistician, SAMHSA.*

[FR Doc. 2015-05821 Filed 3-13-15; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel; Clinically-Related and Environmental Health Training Careers.

*Date:* April 8, 2015.

*Time:* 11:00 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Room 3118, Research Triangle Park, NC 27709 (Telephone Conference Call).

*Contact Person:* Linda K. Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute of Environmental Health Sciences, P.O. Box 12233, MD EC-30, Research Triangle Park, NC 27709, (919) 541-1307.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel; Review of R13 Conference Grants Applications.

*Date:* April 8, 2015.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Sciences Keystone Building 530 Davis Drive, Rooms 2164 and 2166 Research Triangle Park, NC 27709 (Telephone Conference Call).

*Contact Person:* Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC-30/ Room 3170 B, Research Triangle Park, NC 27709, (919) 541-7556.

*Name of Committee:* National Institute of Environmental Health Sciences, Special Emphasis Panel; Transition to Independence (Careers) Development of Awards Review Committee.

*Date:* April 9, 2015.

*Time:* 9:30 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Rooms 1003A and 1003AB, Research Triangle Park, NC 27709 (Telephone Conference Call).

*Contact Person:* Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC-30/ Room 3171, Research Triangle Park, NC 27709, (919) 541-0670 [worth@niehs.nih.gov](mailto:worth@niehs.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

*Dated:* March 10, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05818 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Ethical Issues in Research on HIV/AIDS and Its Co-Morbidities.

*Date:* March 27, 2015.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254-9975, [helmersk@csr.nih.gov](mailto:helmersk@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Special Topics: Urology.

*Date:* April 2, 2015.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Martha Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301-435-1243, [garciamc@nih.gov](mailto:garciamc@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Epilepsy and Depression.

*Date:* April 3, 2015.

*Time:* 2:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Samuel C. Edwards, Ph.D., IRG Chief, Center for Scientific Review,

National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435-1246, [edwardss@csr.nih.gov](mailto:edwardss@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroimaging and Neurodegeneration.

*Date:* April 3, 2015.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Jay Joshi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892, (301) 408-9135, [joshij@csr.nih.gov](mailto:joshij@csr.nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* March 10, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05823 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council will meet April 15, 2015, 9:00 a.m. to 5:00 p.m.

The meeting is open to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(9)(b) and 5 U.S.C. App. 2, Section 10(d). The meeting will include discussion of the Center's policy issues, and current administrative, legislative, and program developments. The meeting will be held at the SAMHSA building, 1 Choke Cherry Road, Rockville, MD 20850. Attendance by the public will be limited to space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before April 6, 2015. Oral presentations from the public will be scheduled at the conclusion of the

meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before April 6, 2015. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone and web conferencing will be available. To attend on site; obtain the call-in number, access code, and/or Web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: <http://nac.samhsa.gov/Registration/meetingsRegistration.aspx>, or communicate by contacting the CMHS National Advisory Council Designated Federal Officer, Ms. Deborah DeMasse-Snell (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Council Web site at: <http://nac.samhsa.gov/>, or by contacting the Designated Federal Officer.

*Committee Name:* SAMHSA's Center for Mental Health Services National Advisory Council.

*Date/Time/Type:* April 15, 2015, 9:00 a.m.-5:00 p.m. (EDT) OPEN.

*Place:* SAMHSA Building, 1 Choke Cherry Road, Seneca Conference Room, Rockville, Maryland 20850.

*Contact:* Deborah DeMasse-Snell, M.A. (Than), Designated Federal Officer, SAMHSA CMHS National Advisory Council, 1 Choke Cherry Road, Room 6-1084, Rockville, Maryland 20857 (mail), Telephone: (240) 276-1861, Fax: (240) 276-1850, Email: [Deborah.DeMasse-Snell@samhsa.hhs.gov](mailto:Deborah.DeMasse-Snell@samhsa.hhs.gov).

**Summer King,**

*Statistician, SAMHSA.*

[FR Doc. 2015-05810 Filed 3-13-15; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; 60-Day Comment Request; PHS Applications and Pre-Award Reporting Requirements (OD)

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is

necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*To Submit Comments and for Further Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301-435-0941 or Email your request, including your address to [ProjectClearanceBranch@mail.nih.gov](mailto:ProjectClearanceBranch@mail.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

*Proposed Collection:* Public Health Service (PHS) Applications and Pre-Award Reporting Requirements.

Revision, OMB 0925-0001, Expiration Date 8/31/2015. Form numbers: PHS 398, PHS 416-1, PHS 416-5, and PHS 6031. This collection represents a consolidation of PHS applications and pre-award reporting requirements into a revised data collection under the PRA.

*Need and Use of Information Collection:* This collection includes PHS applications and pre-award reporting requirements: PHS 398 [paper] Public Health Service Grant Application forms and instructions; PHS 398 [electronic] PHS Grant Application component forms and agency specific instructions used in combination with the SF424 (R&R); PHS Fellowship Supplemental Form and agency specific instructions used in combination with the SF424 (R&R) forms/instructions for Fellowships [electronic]; PHS 416-1 Ruth L. Kirschstein National Research Service Award Individual Fellowship Application Instructions and Forms used only for a change of sponsoring institution application [paper]; Instructions for a Change of Sponsoring Institution for NRSA Fellowships (F30,



F31, F32 and F33) and non-NRSA Fellowships; PHS 416–5 Ruth L. Kirschstein National Research Service Award Individual Fellowship Activation Notice; and PHS 6031 Payback Agreement. The PHS 398 (paper and electronic), PHS 416–1, 416–5, and PHS 6031 are currently approved under 0925–0001. All forms expire 8/31/2015. Post-award reporting requirements are simultaneously consolidated under 0925–0002, and include the Research Performance Progress Report (RPPR). The PHS 398 and SF424 applications are used by applicants to request federal assistance funds for traditional investigator-initiated research projects and to request access to databases and other PHS resources. The PHS 416–1 is used only for a change of sponsoring institution

application. PHS Fellowship Supplemental Form and agency specific instructions is used in combination with the SF424 (R&R) forms/instructions for Fellowships and is used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, selected as a result of a national competition. The PHS 416–5 is used by individuals to indicate the start of their NRSA awards. The PHS 6031 Payback Agreement is used by individuals at the time of activation to certify agreement to fulfill the payback provisions. *Frequency of response:* Applicants may submit applications for published receipt dates. For NRSA awards, fellowships are activated and trainees appointed. *Affected Public:*

Universities and other research institutions; Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local or Tribal Government. *Type of Respondents:* University administrators and principal professionals. The annual reporting burden is as follows: *Total Estimated Number of Respondents:* 94,326; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* 21.75; *Estimated Total Annual Burden Hours Requested:* 2,051,794. The estimated annualized cost to respondents is \$71,812,769.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,051,794.

#### ESTIMATES OF HOUR BURDEN

Information collection number or form	Number of respondents	Frequency of response	Average time (hrs) per response	Annual burden hours
PHS 398 [paper] .....	8,389	1	35	293,615
PHS 398 [electronic] .....	76,312	1	22	1,678,864
PHS Fellowship Supplemental Form [electronic] .....	4,915	1	16	78,640
PHS 416–1 .....	30	1	10	300
PHS 416–5 .....	3,121	1	0.08	250
PHS 6031 .....	1,559	1	0.08	125
Totals .....	94,326	1	21.75	2,051,794

Dated: March 9, 2015.

**Lawrence A. Tabak,**  
Deputy Director, National Institutes of Health.  
[FR Doc. 2015–05930 Filed 3–13–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### **Proposed Collection; 60-Day Comment Request; Post-Award Reporting Requirements Including Research Performance Progress Report Collection (OD)**

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the

proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*To Submit Comments and for Further Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or Email your request, including your address to [ProjectClearanceBranch@mail.nih.gov](mailto:ProjectClearanceBranch@mail.nih.gov). Formal requests for

additional plans and instruments must be requested in writing.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

*Proposed Collection:* Public Health Service (PHS) Post-award Reporting Requirements. Revision, OMB 0925–0002, Expiration Date 8/31/2015. Form numbers: PHS 2590, PHS 416–7, PHS 2271, PHS 3734, PHS 6031–1, and HHS 568. This collection represents a consolidation of post-award reporting requirements under the PRA, including the Research Performance Progress Report (RPPR).

*Need and Use of Information Collection:* The RPPR is now required to be used by all NIH, Food and Drug Administration, Centers for Disease Control and Prevention, and Agency for Healthcare Research and Quality (AHRQ) grantees. Interim progress reports are required to continue support of a PHS grant for each budget year within a competitive segment. The phased transition to the RPPR required the maintenance of dual reporting processes for a period of time. Continued use of the PHS Non-



competing Continuation Progress Report (PHS 2590), exists for a small group of grantees. This collection also includes other PHS post-award reporting requirements: PHS 416–7 NRSA Termination Notice, PHS 2271 Statement of Appointment, 6031–1 NRSA Annual Payback Activities Certification, HHS 568 Final Invention Statement and Certification, Final Progress Report instructions, iEdison, and PHS 3734 Statement Relinquishing Interests and Rights in a PHS Research Grant. The PHS 416–7, 2271, and 6031–1 are used by NRSA recipients to activate, terminate, and provide for payback of a NRSA. Closeout of an award requires a Final Invention Statement (HHS 568) and

Final Progress Report. iEdison allows grantees and Federal agencies to meet statutory requirements for reporting inventions and patents. The PHS 3734 serves as the official record of grantee relinquishment of a PHS award when an award is transferred from one grantee institution to another. Pre-award reporting requirements are simultaneously consolidated under 0925–0001. *Frequency of response:* Applicants may submit applications for published receipt dates. For NRSA awards, fellowships are activated and trainees appointed. *Affected Public:* Universities and other research institutions; Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local or Tribal

Government. *Type of Respondents:* University administrators and principal professionals. The annual reporting burden is as follows: *Total Estimated Number of Respondents:* 112,986. *Estimated Number of Responses per Respondent:* 1. *Average Burden Hours per Response:* 5.6. *Estimated Total Annual Burden Hours Requested:* 640,677. The annualized cost to respondents is estimated to be \$22,423,709. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 640,677.

#### ESTIMATES OF HOUR BURDEN

Information collection No. or title	Number of respondents	Frequency of response	Average time (hrs) per response	Annual burden hours
RPPR (or 2590 or 416–9) .....	40,569	1	15	608,535
PHS 416–7 .....	3,371	1	30/60	1,686
PHS 2271 .....	15,500	1	15/60	3,875
PHS 6031–1 .....	1,600	1	20/60	528
HHS 568 .....	22,681	1	5/60	1,814
Final Progress Report .....	22,681	1	1	22,681
iEdison .....	6,000	1	15/60	1,500
PHS 3734 .....	584	1	6/60	58
Totals .....	112,986	.....	5.6	640,677

Dated: March 9, 2015.

**Lawrence A. Tabak,**  
Deputy Director, National Institutes of Health.  
[FR Doc. 2015–05929 Filed 3–13–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Community Living

#### Proposed Priority—National Institute on Disability, Independent Living, and Rehabilitation Research—Rehabilitation Research and Training Centers

**AGENCY:** Administration for Community Living, Department of Health and Human Services.

**ACTION:** Notice of Proposed Priority.

CFDA Number: 84.133B–6.

**SUMMARY:** The Administrator of the Administration for Community Living proposes a priority for the Rehabilitation Research and Training Center (RRTC) Program administered by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). Specifically, this

notice proposes a priority for an RRTC on Outcomes Measurement for Home and Community Based Services. We take this action to focus research attention on an area of national need. We intend this priority to contribute to improved home and community based services for individuals with disabilities.

**DATES:** We must receive your comments on or before April 15, 2015.

**ADDRESSES:** Address all comments about this notice to Carolyn Baron, U.S. Department of Health and Human Services, 550 12th Street SW., Room 5134, PCP, Washington, DC 20202–2700.

If you prefer to send your comments by email, use the following address: [carolyn.baron@ed.gov](mailto:carolyn.baron@ed.gov). You must include the phrase “Proposed Priorities for RRTCs” and the priority title in the subject line of your electronic message.

We will not accept comments submitted by fax or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once.

• *Postal Mail or Commercial Delivery:* If you mail or deliver your comments

about these proposed regulations, address them to Carolyn Baron, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5134, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

**Privacy Note:** The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Baron. Telephone: (202) 245–7244 or by email: [carolyn.baron@ed.gov](mailto:carolyn.baron@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** This notice of proposed priority is in concert with NIDILRR’s currently approved Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on April 4, 2013 (78 FR 20299), can be accessed on the Internet at the following site: [www.ed.gov/about/offices/list/osers/nidrr/policy.html](http://www.ed.gov/about/offices/list/osers/nidrr/policy.html).

The Plan identifies a need for research and training that can be used to improve outcomes of individuals with disabilities. To address this need, NIDILRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of research findings, expertise, and other information to advance knowledge and understanding of the needs of individuals with disabilities and their family members, including those from among traditionally underserved populations; (3) determine effective practices, programs, and policies to improve community living and participation, employment, and health and function outcomes for individuals with disabilities of all ages; (4) identify research gaps and areas for promising research investments; (5) identify and promote effective mechanisms for integrating research and practice; and (6) disseminate research findings to all major stakeholder groups, including individuals with disabilities and their family members in formats that are appropriate and meaningful to them.

This notice proposes one priority that NIDILRR intends to use for one or more competitions in fiscal year (FY) 2015 and possibly later years. NIDILRR is under no obligation to make an award under this priority. The decision to make an award will be based on the quality of applications received and available funding. NIDILRR may publish additional priorities, as needed.

**Invitation to Comment:** We invite you to submit comments regarding this proposed priority. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the specific topic within the priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of E.O. 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments sent to NIDILRR in Room 5142, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

**Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record:** On request we will

provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Purpose of Program:** The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

#### **Rehabilitation Research and Training Centers**

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDILRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers and other research stakeholders. Additional information on the RRTC program can be found at: <http://www2.ed.gov/programs/rrtc/index.html#types>.

**Program Authority:** 29 U.S.C. 762(g) and 764(b)(2).

**Applicable Program Regulations:** 34 CFR part 350.

#### **Proposed Priority**

This notice contains one proposed priority.

#### **RRTC on Outcomes Measurement for Home and Community Based Services Background**

Approximately \$140 billion is spent nationally on Medicaid long-term services and supports (LTSS) (Eiken et al., 2014). States continue to rebalance

their LTSS expenditures to decrease the reliance on nursing homes and other institutional services for individuals of all ages with disabilities. Nearly half of Medicaid's LTSS expenditures go toward home and community-based services (HCBS) compared to only 18% in 1995 (Eiken et al., 2014). The aging of the population and growing consumer demand to live in home-based settings will continue to increase the need for home and community-based services (HCBS). As more people receive LTSS in the community, there is a need for validated measures of consumer outcomes and experiences that can be used as indicators of HCBS quality (Commission on Long Term Care, 2013; Disability Rights Education & Defense Fund, 2013). Compared to measurement efforts in clinical settings, non-medical performance measures in HCBS are in the early stages of development and standardization (National Quality Forum, 2012). Accordingly, NIDILRR is sponsoring a Rehabilitation Research and Training Center on Outcomes Measurement for Home and Community Based Services.

Efforts to measure the quality of a wide variety of services, including home- and community-based LTSS, may include structural measures (whether a particular mechanism is in place), process measures (which track the performance of a particular action) and outcomes measures (the results of actions and mechanisms) (Disability Rights Education & Defense Fund, 2013; Booth & Fralich, 2006). In the long-term care context, structural indicators of quality may include the ratio of service providers to consumers, for example, and process indicators of quality may include the skill levels of providers and the timeliness of the services they deliver (Disability Rights Education & Defense Fund, 2013). User outcomes are also important indicators of service quality. In the HCBS context, health status and levels of community integration, participation, and inclusion among service recipients can be important markers of HCBS quality (Disability Rights Education & Defense Fund, 2013).

For decades, efforts to measure and improve long-term care quality have focused on nursing homes. Historically, the assessment of quality in nursing homes and other institutional long-term care settings emphasized the protection and safety of residents. As the delivery of LTSS is increasingly taking place in home and community-based settings, these institution-based quality measurement efforts have not been translated into measures that are relevant and important to individuals

who are receiving services at home (Commission on Long-Term Care, 2013). While protection and safety are important to HCBS recipients, other factors are important and relevant in these settings, including levels of community integration, participation, and inclusion.

As states continue to rebalance their LTSS expenditures to decrease reliance on nursing homes and increase service delivery in home and community-based settings, they have begun the process of developing person-centered HCBS measures that assess outcomes from the perspective of service users. The State of Wisconsin, for example, has developed and implemented a set of measures that assess "person-centered quality of life" outcomes that are important to HCBS users (Karon & Schlaak, 2012). By seeking extensive input from service users and other stakeholders, Wisconsin has developed quality of life concepts and measures that are used to assess the extent to which (1) individuals have choice over their living arrangements and services, (2) individuals have desired social relationships and participate in meaningful ways in society, and (3) individuals are healthy and safe (Wisconsin Department of Health Services, 2014). Within this person-centered outcomes measurement system, service users are able to choose the specific outcomes that are the most important to them and describe the extent to which the long-term care services they are receiving support their achievement of those outcomes. With this outcomes assessment system Wisconsin has developed state-wide quality of life outcomes reports that aggregate findings for all of its HCBS users, as well as reports that provide comparisons of outcomes across different HCBS programs and subpopulations (Karon & Schlaak, 2012).

Recent efforts at the Federal level have begun to address the need for HCBS quality measures. For example, the Administration for Community Living (ACL) is contracting with the National Quality Forum (NQF) to create a conceptual framework for HCBS quality measurement and to make recommendations for HCBS measure development efforts. Through this work, ACL aims to create a conceptual foundation for the development of measures that can be used to assess and ultimately support independence and community living outcomes of HCBS recipients (National Quality Forum, 2015). Much work remains to conceptualize and measure HCBS quality in terms of the outcomes that are important to long-term care recipients.

These outcomes include adequacy and appropriateness of care, as well as the consumers' level of control, social integration, social participation, and general quality of life (Kaye, 2014).

Another foundation for the development of person-centered HCBS outcomes measures is the ongoing work of rehabilitation researchers to create valid and reliable measures of community participation of people with disabilities (Walker, Mellick, Brooks, & Whiteneck, 2003; Hammel, Magasi, Heinemann, Whiteneck, Bogner & Rodriguez, 2012; Whiteneck & Dijkers, 2009; Heinemann, 2010). These research and development efforts include the application of advanced item-scaling and person-centered measurement techniques that can be implemented as computerized adaptive tests (CAT) (Haley et al., 2008), thus reducing data collection burden on people with disabilities. These efforts to develop participation outcome measures for people with disabilities are highly relevant to the applied efforts to develop person-centered HCBS outcome measures.

These and other Federal and state efforts provide a strong foundation for further research on and development of person-centered HCBS outcomes measures and measurement systems that assess and promote community living, independent living and social integration of HCBS users. Accordingly, NIDILRR aims to support a Rehabilitation Research and Training Center on Outcomes Measurement for Home and Community Based Services. This RRTC will conduct research and development activities in this critical area and will serve as a national resource center on HCBS outcomes measurement for Federal and state-level policymakers, people with disabilities and other key stakeholders.

## References

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## Definitions

The research that is proposed under this priority must be focused on one or more stages of research. If the RRTC is to conduct research that can be categorized under more than one research stage, or research that

progresses from one stage to another, those research stages must be clearly specified. For purposes of this priority, the stages of research are from the notice of final priorities and definitions published in the **Federal Register** on June 7, 2013 (78 FR 34261).

(a) *Exploration and Discovery* means the stage of research that generates hypotheses or theories by conducting new and refined analyses of data, producing observational findings, and creating other sources of research-based information. This research stage may include identifying or describing the barriers to and facilitators of improved outcomes of individuals with disabilities, as well as identifying or describing existing practices, programs, or policies that are associated with important aspects of the lives of individuals with disabilities. Results achieved under this stage of research may inform the development of interventions or lead to evaluations of interventions or policies. The results of the exploration and discovery stage of research may also be used to inform decisions or priorities.

(b) *Intervention Development* means the stage of research that focuses on generating and testing interventions that have the potential to improve outcomes for individuals with disabilities. Intervention development involves determining the active components of possible interventions, developing measures that would be required to illustrate outcomes, specifying target populations, conducting field tests, and assessing the feasibility of conducting a well-designed interventions study. Results from this stage of research may be used to inform the design of a study to test the efficacy of an intervention.

(c) *Intervention Efficacy* means the stage of research during which a project evaluates and tests whether an intervention is feasible, practical, and has the potential to yield positive outcomes for individuals with disabilities. Efficacy research may assess the strength of the relationships between an intervention and outcomes, and may identify factors or individual characteristics that affect the relationship between the intervention and outcomes. Efficacy research can inform decisions about whether there is sufficient evidence to support “scaling-up” an intervention to other sites and contexts. This stage of research can include assessing the training needed for wide-scale implementation of the intervention, and approaches to evaluation of the intervention in real world applications.

(d) *Scale-Up Evaluation* means the stage of research during which a project

analyzes whether an intervention is effective in producing improved outcomes for individuals with disabilities when implemented in a real-world setting. During this stage of research, a project tests the outcomes of an evidence-based intervention in different settings. It examines the challenges to successful replication of the intervention, and the circumstances and activities that contribute to successful adoption of the intervention in real-world settings. This stage of research may also include well-designed studies of an intervention that has been widely adopted in practice, but that lacks a sufficient evidence-base to demonstrate its effectiveness.

#### *Proposed Priority*

The Administrator of the Administration for Community Living proposes a priority for the Rehabilitation Research and Training Center (RRTC) program administered by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). Specifically, this notice proposes a priority for an RRTC on Outcomes Measurement for Home and Community Based Services. The RRTC will engage in research, development, and testing of measures to assess the quality of HCBS in terms of the person-centered outcomes achieved by people with disabilities who use the services in home and community settings. The RRTC will also engage in knowledge translation, development of informational products, and dissemination to enhance the field's capacity to measure the extent to which HCBS leads to improved outcomes in community living and independent living areas that are important to people with disabilities and other stakeholders. Ultimately, the RRTC's development of non-medical, person-centered outcome measures is intended to inform the design, implementation, and continuous improvement of Federal and state policies and programs related to the delivery of HCBS to people with disabilities. The RRTC must contribute to these outcomes by:

(a) Identifying or developing measures, and then testing the proposed measures to assess the person-centered outcomes of individuals with disabilities who are receiving home and community-based services. HCBS measures developed under this priority must be non-medical and must focus on the end-users' experience of community living, independent living, social integration, community participation, and other similar outcomes. The measures developed under this priority must also be designed to minimize data

collection burden on HCBS recipients. Possible methods for minimizing this burden include, but are not limited to, use of relevant administrative data, modifying administrative data to include person-centered goals as well as fields to assess progress toward those goals, and use of advanced item-scaling and person-centered measurement techniques that can be implemented as computerized adaptive tests (CAT).

(b) Increasing incorporation of the RRTC's HCBS outcome measures into practice and policy. The RRTC must contribute to this outcome by—

(1) Working closely with NIDILRR and the Administration for Community Living (ACL) at each stage of the measure development and testing processes to ensure that its activities are informing and informed by other HCBS quality initiatives taking place within ACL and other relevant Federal and state agencies. This specifically includes the work taking place under the National Quality Forum's work with the Department of Health and Human Services (<http://www.qualityforum.org/ProjectDescription.aspx?projectID=77692>).

(2) Developing procedures and mechanisms for applying HCBS outcome measures in policy and service delivery settings to maximize quality and appropriateness of HCBS from the end-user perspective.

(3) Collaborating with stakeholder groups to develop, evaluate, or implement strategies to increase utilization of new HCBS outcome measures. Stakeholder groups include but, are not limited to, people with disabilities, Federal- and state-level policymakers; home and community based service providers; advocacy organizations; and Centers for Independent Living.

(4) Collaborating with relevant NIDILRR-sponsored knowledge translation grantees to help promote the uptake of RRTC products by relevant stakeholders and embed the outcome measures into the overall health care measurement system.

(c) Serving as a national resource center related to person-centered measurement of HCBS outcomes:

(1) Disseminating information and providing technical assistance related to HCBS outcome and quality measurement to policymakers, service providers, people with disabilities and their representatives, and other key stakeholders; and

(2) Providing relevant and appropriate training, including graduate, pre-service, and in-service training, to HCBS providers, researchers and quality-measurement personnel, and other

disability service providers, to facilitate more effective delivery of HCBS to people with disabilities. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities.

#### *Final Priority*

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register** or in a Funding Opportunity Announcement posted at [www.grants.gov](http://www.grants.gov).

#### *Executive Orders 12866 and 13563*

##### Regulatory Impact Analysis

Under E.O. 12866, the Secretary must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive Order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of E.O. 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the E.O.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of E.O. 12866.

We have also reviewed this regulatory action under E.O. 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in E.O. 12866. To the extent permitted

by law, E.O. 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

E.O. 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing this proposed priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority is consistent with the principles in E.O. 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and

Centers Program have been well established over the years. Projects similar to one envisioned by the proposed priority have been completed successfully, and the proposed priority would generate new knowledge through research. The new RRTC would generate, disseminate, and promote the use of new information that would improve outcomes for individuals with disabilities in the area of home and community based services.

*Intergovernmental Review:* This program is not subject to E.O. 12372.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 11, 2015.

**Kathy Greenlee,**  
*Administrator.*

[FR Doc. 2015–05989 Filed 3–13–15; 8:45 am]

**BILLING CODE 4154-01-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Office of the Secretary**

[Document Identifier: HHS–OS–0990–New–60D]

### **Agency Information Collection Activities; Proposed Collection; Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the

public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on the ICR must be received on or before May 15, 2015.

**ADDRESSES:** Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

**FOR FURTHER INFORMATION CONTACT:** Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the document identifier HHS–OS–0990–New–60D for reference.

*Information Collection Request Title:* Healthy People User Study.

*Abstract:* Healthy People is a national health promotion and disease

prevention initiative managed out of the Office of the Assistant Secretary for Health (OASH), Office of Disease Prevention and Health Promotion (ODPHP). HHS/OS/OASH/ODPHP is seeking OMB approval to conduct a short survey using a self-administered questionnaire of state, local, and tribal organizations; *Healthy People* Consortium organizations; and *Healthy People* webinar attendees. The survey will be administered via a web-based platform.

The *Healthy People* initiative has provided a comprehensive set of data-driven, national disease prevention and health promotion objectives with 10-year targets aimed at improving the health of all Americans since 1979. *Healthy People 2020 (HP2020)* is the fourth iteration of the *Healthy People*

initiative. Its overarching goals are: To attain high-quality, longer lives free of preventable disease, disability, injury, and premature death; to achieve health equity, eliminate disparities, and improve the health of all groups; to create social and physical environments that promote good health for all; and to promote quality of life, healthy development, and health behaviors across all life stages. *HP2020* consists of over 1200 objectives organized under 42 topic areas.

*Likely Respondents:* *Healthy People* State Coordinators, State Health Department Senior Deputy Directors, local and tribal health organizations, *Healthy People* Consortium organizations, and *Healthy People* webinar attendees.

#### TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (hours)	Total burden hours
<i>Healthy People</i> State Coordinators (Frame A) .....	59	1	18/60	18
Senior Deputy Directors (Frame A*) .....	57	1	18/60	17
Local Health Organizations (Frame B) .....	375	1	18/60	113
Tribal Health Organizations (Frame C) .....	100	1	18/60	30
Tribal Area Health Boards (Frame D) .....	11	1	18/60	3
<i>Healthy People</i> Consortium Organizations (Frame E) .....	250	1	18/60	75
<i>Healthy People</i> Webinar Attendees (Frame F) .....	250	1	18/60	75
Total .....	1,102			331

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Terry S. Clark,**

*Deputy Information Collection Clearance Officer.*

[FR Doc. 2015–05839 Filed 3–13–15; 8:45 am]

**BILLING CODE 4150–32–P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Substance Abuse and Mental Health Services Administration

#### Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the combined meeting on April 16, 2015, of the

Substance Abuse and Mental Health Services Administration's (SAMHSA) four National Advisory Councils (the SAMHSA National Advisory Council [NAC], the Center for Mental Health Services NAC, the Center for Substance Abuse Prevention NAC, the Center for Substance Abuse Treatment NAC) and the two SAMHSA Advisory Committees (Advisory Committee for Women's Services [ACWS] and the Tribal Technical Advisory Committee [TTAC]).

SAMHSA's National Advisory Councils were established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and SAMHSA's Center Directors concerning matters relating to the activities carried out by and through the Centers and the policies respecting such activities.

Under Section 501 of the Public Health Service Act, the ACWS is statutorily mandated to advise the SAMHSA Administrator and the Associate Administrator for Women's Services on appropriate activities to be undertaken by SAMHSA and its Centers with respect to women's substance abuse and mental health services.

Pursuant to Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of September 23, 2004, SAMHSA established the TTAC for working with Federally-recognized Tribes to enhance the government-to-government relationship, honor Federal trust responsibilities and obligations to Tribes and American Indian and Alaska Natives. The SAMHSA TTAC serves as an advisory body to SAMHSA.

The April 16, 2015, combined meeting will include a report from the SAMHSA Administrator, discussion regarding SAMHSA's role in influencing the provision of treatment for mental and substance use disorders, and a presentation and discussion regarding the science of changing social norms.

The meeting is open to the public and will be held at the SAMHSA building, 1 Choke Cherry Road, Rockville, MD 20850. Attendance by the public will be limited to space available. Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before April 6,

2015. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before April 6, 2015. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone and web conferencing will be available. To attend on site; obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: <http://nac.samhsa.gov/Registration/meetingsRegistration.aspx>, or communicate with SAMHSA's Committee Management Officer, LCDR Holly Berilla (see contact information below).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at <http://www.samhsa.gov/about-us/advisory-councils/> or by contacting LCDR Berilla. Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, <http://nac.samhsa.gov/>, or by contacting LCDR Berilla.

**Council Names:** Substance Abuse and Mental Health Services Administration National Advisory Council; Center for Mental Health Services National Advisory Council; Center for Substance Abuse Prevention National Advisory Council; Center for Substance Abuse Treatment National Advisory Council; SAMHSA's Advisory Committee for Women's Services; SAMHSA Tribal Technical Advisory Committee.

**Date/Time/Type:** April 16, 2015, 8:30 a.m. to 4:15 p.m. EDT, Open.

**Place:** SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20850.

**Contact:** LCDR Holly Berilla, Committee Management Officer and Designated Federal Officer, SAMHSA National Advisory Council, 1 Choke Cherry Road, Rockville, Maryland 20857 (mail), Telephone: (240) 276-1252, Fax: (240) 276-2252, Email: [holly.berilla@samhsa.hhs.gov](mailto:holly.berilla@samhsa.hhs.gov).

**Summer King,**  
Statistician, SAMHSA.

[FR Doc. 2015-05820 Filed 3-13-15; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given for the meeting of the Substance Abuse and Mental Health

Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on April 15, 2015.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and Center Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will include discussion of SAMHSA's strategic initiative on prevention, prevention's role in influencing the provision of treatment for behavioral health disorders, emerging issues, and CSAP program developments.

The meeting will be held at the SAMHSA building in Rockville, Maryland. Attendance by the public will be limited to the space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before one week prior to the meeting. Five minutes will be allotted for each presentation.

To attend onsite, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Council's Web site at: <http://nac.samhsa.gov/Registration/meetingsRegistration.aspx>, or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Council Web site at: <http://nac.samhsa.gov/>, or by contacting the Designated Federal Officer.

**Committee Name:** Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

**Date/Time/Type:** April 15, 2015, from 9:30 a.m. to 4:00 p.m. EDT: (OPEN).

**Place:** SAMHSA, 1 Choke Cherry Road, Seneca Conference Room (lobby level), Rockville, MD 20857. Adobe Connect Webcast: <https://samhsa-csap.adobeconnect.com/nac/>.

**Contact:** Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 1 Choke Cherry Road, Rockville, MD 20857 (mail), Telephone: 240-276-2419, Fax: 240-

276-2430, Email: [matthew.aumen@samhsa.hhs.gov](mailto:matthew.aumen@samhsa.hhs.gov).

**Summer King,**  
Statistician, SAMHSA.

[FR Doc. 2015-05811 Filed 3-13-15; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Allergy and Infectious Diseases Special Emphasis; Panel Centers for Medical Countermeasures Against Radiation Consortium.

**Date:** (U19) March 24-26, 2015.

**Time:** 8:00 a.m. to 6:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Hilton Rockville Hotel and Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

**Contact Person:** Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 5601 Fishers Lane, Bethesda, MD 20892-7616, 240-669-5067, [pamstad@niaid.nih.gov](mailto:pamstad@niaid.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2015.

**David Clary,**  
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05825 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Sustained Release for Antiretroviral Treatment of Prevention (SRATP) of HIV Infection (UM1).

*Date:* April 6–7, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room LD30A & LD30B, 5601 Fishers Lane, Rockville, MD 20892.

*Contact Person:* Jay Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892, 240-669-5045, [sundstromj@niaid.nih.gov](mailto:sundstromj@niaid.nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; "NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44)".

*Date:* April 15, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3G61, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Travis J. Taylor, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20892, 240-669-5082, [Travis.Taylor@nih.gov](mailto:Travis.Taylor@nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Investigator Initiated Program Project Applications (P01).

*Date:* April 28, 2015.

*Time:* 12:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20892, 240-669-5058, [rathored@mail.nih.gov](mailto:rathored@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05827 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Community Living

#### Applications for New Awards; National Institute on Disability, Independent Living, and Rehabilitation Research—Research Fellowships Program

**AGENCY:** Administration for Community Living, HHS.

**ACTION:** Notice.

#### **SUMMARY:** *Overview Information:*

National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—Research Fellowships Program, Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133F-1.

**DATES:** *Applications Available:* March 16, 2015.

#### **SUPPLEMENTARY INFORMATION:**

**Note:** On July 22, 2014, President Obama signed the Workforce Innovation Opportunity Act (WIOA). WIOA was effective immediately. One provision of WIOA transferred the National Institute on Disability and Rehabilitation Research (NIDRR) from the Department of Education to the Administration for Community Living (ACL) in the Department of Health and Human Services. In addition, NIDRR's name was changed to the Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). For FY 2015, all NIDILRR priority notices will be published as ACL notices, and ACL will make all NIDILRR awards. During this transition period, however, NIDILRR will continue to review grant applications using Department of Education tools. NIDILRR will post previously-approved application kits to [grants.gov](http://grants.gov), and NIDILRR applications submitted to [grants.gov](http://grants.gov) will be forwarded to the Department of Education's G-5 system for peer review. We are using Department of Education application kits and peer review systems during this transition year in order

to provide for a smooth and orderly process for our applicants.

*Date of Pre-Application Meeting:* April 6, 2015.

*Deadline for Transmittal of Applications:* May 15, 2015.

### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Research Fellowships Program is to build research capacity by providing support to highly qualified individuals, including those who are individuals with disabilities, to conduct research on the rehabilitation of individuals with disabilities.

Fellows must conduct original research in an area authorized by section 204 of the Rehabilitation Act of 1973, as amended. Section 204 authorizes research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Act.

**Note:** An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (the Plan) when preparing its application. The Plan is organized around the following outcome domains: (1) Community living and participation; (2) health and function; and (3) employment and can be accessed on the Internet at the following site: [www.ed.gov/about/offices/list/osers/nidrr/policy.html](http://www.ed.gov/about/offices/list/osers/nidrr/policy.html).

#### Priority

The Research Fellowships Program permits two types of fellowships, Distinguished and Merit. Under the Research Fellowships competition, we are particularly interested in applications that address the following program priority.

*Invitational Priority:* For FY 2015, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

The Administrator of the Administration for Community Living is particularly interested in applications from eligible applicants who are individuals with disabilities.

**Program Authority:** 29 U.S.C. 762(e).



*Applicable Regulations:* (a) The Department of Health and Human Services General Administrative Regulations in 45 CFR part 75; (b) 45 CFR part 75 Non-procurement Debarment and Suspension; (c) 45 CFR part 75 Requirement for Drug-Free Workplace (Financial Assistance); (d) The regulations for this program in 34 CFR part 356, 350.51 and 350.52.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* \$430,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 and any subsequent year from the list of unfunded applicants from these competitions.

*Estimated Range of Awards:* \$69,500 to \$70,000 for Merit Fellowships and \$79,500 to \$80,000 for Distinguished Fellowships. (These fellowships are described in the Eligible Applicant section of this notice.)

*Estimated Average Size of Awards:* \$75,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding \$70,000 for Merit Fellowships and \$80,000 for Distinguished Fellowships for a single year. The Administrator of Community Living may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* Six.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* 12 months. We will reject any application that proposes a project period other than 12 months. The Administrator of the Administration for Community Living may change the maximum project period through a notice published in the **Federal Register**.

## III. Eligibility Information

1. *Eligible Applicants:* Eligible individuals must: (1) Satisfy the requirements of 45 CFR part 75 and (2) have training and experience that indicate a potential for engaging in scientific research related to the solution of rehabilitation problems of individuals with disabilities.

The program provides two categories of research fellowships: Merit Fellowships and Distinguished Fellowships.

(a) To be eligible for a Merit Fellowship, an individual must be in the earlier stages of his or her career in research and have either advanced professional training or experience in independent study in an area which is

directly pertinent to disability and rehabilitation.

(b) To be eligible for a Distinguished Fellowship, an individual must have seven or more years of research experience in subject areas, methods, or techniques relevant to rehabilitation research and must have a doctorate, other terminal degree, or comparable academic qualifications.

**Note:** Institutions are not eligible to be recipients of research fellowships.

Applicants must submit an eligibility statement describing how they meet the requirements for one of the two eligibility classifications allowed under this program.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

## IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via grants.gov, or by contacting Patricia Barrett: U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: [patricia.barrett@ed.gov](mailto:patricia.barrett@ed.gov).

If you request an application from Patricia Barrett, be sure to identify this competition as follows: CFDA number 84.133F.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 24 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not required to double space titles, headings, footnotes, references, and captions, or text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application narrative does not apply to the documents you upload to the Grants.gov

Apply site under the other two headings: ED Project Abstract and Other Attachments. The ED Project Abstract Form should contain only your one-page abstract. The Other Attachments Form should contain all other attachments, including your bibliography, resume/curriculum vitae, letters of recommendation/support, eligibility statement, and plan for spending one FTE on the Fellowship project. Information regarding the protection of human subjects, if applicable, should be included under the Other Attachments Form or in the place provided on the SF-424 Supplemental Form. You do not need to upload a table of contents for your application, as this will be automatically generated by Grants.gov.

We will reject your application if you exceed the page limit.

**Note:** Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

In concert with the balance principle described in NIDRR's Long-Range Plan, for Fiscal Years 2013-2017 (78 FR 20299), applicants for these Fellowships should specify in their abstract and application narrative which of NIDRR's major domains of individual well-being their research will focus on: (a) Community living and participation, (b) employment, or (c) health and function.

3. *Submission Dates and Times:*

*Applications Available:* March 16, 2015.

*Date of Pre-Application Meeting:* Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDILRR staff. The pre-application meeting will be held on April 6, 2015. Interested parties may participate in this meeting by conference call with NIDILRR staff from the Administration for Community Living between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDILRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact Carolyn Baron at [Carolyn.Baron@ed.gov](mailto:Carolyn.Baron@ed.gov), or by telephone at 202-245-7244.

*Deadline for Transmittal of Applications:* May 15, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review*: This competition is not subject to Executive Order 12372.

5. *Funding Restrictions*: Applicants are not required to submit a budget with their proposal.

Fellowship awards are a one full-time equivalent (FTE) award. Fellows must work principally on the fellowship during the term of the fellowship award. No fellow is allowed to be a direct recipient of Federal government grant funds in addition to those provided by the Fellowship grant (during the duration of the fellowship award performance period). Fellows may, subject to compliance with their institution's policy on additional employment, be the principal investigator of or otherwise work on a Federal grant that has been awarded to the fellow's institution. Fellows may be allowed to dedicate additional time beyond their one FTE requirement for the fellowship to other work during their fellowship grant performance period, if this is in keeping with the guidelines offered by their home institutions. In other words, NIDILRR defers to the guidelines of the fellows' home institutions regarding the admissibility of work in excess of the one FTE dedicated to the fellowship. NIDILRR strongly recommends that any additional time be limited to .25 FTE, but requires that additional time not exceed .5 FTE.

Applicants should submit a plan for how they will meet the one FTE requirement. We reference regulations outlining funding restrictions in the

*Applicable Regulations* section of this notice.

6. *Requirements for Registering for Grants.gov and Submitting Your Application*: All individuals applying for a research fellowship must register at [www.Grants.gov](http://www.Grants.gov) prior to submitting their application. To register with Grants.gov you must know the Funding Opportunity Number (FON) of the grant opportunity you are applying for. You can obtain this number by searching Grants.gov using the CFDA number, 84.133. This search will lead you to available NIDILRR solicitations and identify the FON for each. You will use the FON to register in Grants.gov. Once you register with Grants.gov, to facilitate the safe and secure transfer of your application to the Department, you will be asked to create a profile with your username and password, which will be used to identify you within the system, and create an electronic signature. Details on registering with Grants.gov as an individual are outlined in the following Grants.gov tutorial: [www.grants.gov/assets/IndividualRegistrationOverview.html](http://www.grants.gov/assets/IndividualRegistrationOverview.html).

To register with Grants.gov, you do not have to provide a Data Universal Numbering System Number, a Taxpayer Identification Number, or your Social Security Number (SSN). You also do not have to complete a Central Contractor Registry or System for Award Management registration in order to access Grants.gov or submit your application.

However, your SSN is required to complete your application for a research fellowship.

7. *Other Submission Requirements*: Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

#### *a. Electronic Submission of Applications*

Applications for grants under the Research Fellowships Program, CFDA Number 84.133F-1, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and

submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Research Fellowships Program at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program [competition] to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at <http://www.G5.gov>.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

**Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:** If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically. You also may mail your application by

following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202-2700. FAX: (202) 245-7323.

Your paper application must be submitted in accordance with the mail instructions described in this notice.

#### *b. Submission of Paper Applications by Mail*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133F-1), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

- (4) Any other proof of mailing acceptable to the Administrator of the Administration for Community Living of the U.S. Department of Health and Human Services.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.

- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

**Note for Mail of Paper Applications:** If you mail your application to the Department—

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## **V. Application Review Information**

1. *Selection Criteria:* The selection criteria for this competition are from 34

CFR 356.30 through 356.32 and are listed in the application package.

2. *Review and Selection Process:* Final award decisions will be made by the Administrator, ACL. In making these decisions, the Administrator will take into consideration: Ranking of the review panel; reviews for programmatic and grants management compliance; the reasonableness of the estimated cost to the government considering the available funding and anticipated results; and the likelihood that the proposed project will result in the benefits expected. Under Section 75.205, item (3) history of performance is an item that is reviewed.

In addition, in making a competitive grant award, the Administrator of the Administration for Community Living requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Health and Human Services.

3. *Special Conditions:* Under 45 CFR part 75 the Administrator of the Administration for Community Living may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 45 CFR part 75, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we send you a Notice of Award (NOA); or we may send you an email containing a link to access an electronic version of your NOA. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the NOA. The NOA also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements

in 45 CFR part 75 should you receive funding under the competition. This does not apply if you have an exception under 45 CFR part 75.

(b) At the end of your project period, you must submit a final performance report, including summary financial information, as directed by the Administrator of the Administration for Community Living in 45 CFR part 75. The Administrator of the Administration for Community Living may also require more frequent performance reports under 45 CFR part 75. For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

4. *Performance Measures:* To evaluate the overall success of its research program, NIDILRR assesses the quality of its funded projects through a review of grantee performance and accomplishments. Each year, NIDILRR examines a portion of its grantees to determine the extent to which grantees are conducting high-quality research and related activities that lead to high-quality products. Performance measures for the Research Fellowships Program include:

- The number of NIDILRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDILRR-sponsored research in refereed journals;
- The percentage of grantee research and development that has appropriate study design, meets rigorous standards of scientific and/or engineering methods, and builds on and contributes to knowledge in the field; and
- The average number of publications per award based on NIDILRR-funded research and development activities in refereed journals.

NIDILRR evaluates the overall success of individual research and development grants through a review of grantee performance and products. For these reviews, NIDILRR uses information submitted by grantees as part of their final performance report. Approved final performance report guidelines require grantees to submit information regarding research methods, results, outputs, and outcomes. Because grants made under the Research Fellowships Program are limited to a maximum of 12 months, they are not eligible for continuation awards.

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** Patricia Barrett, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202-2700.

Telephone: (202) 245-6211 or by email: [patricia.barrett@ed.gov](mailto:patricia.barrett@ed.gov).

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

## VIII. Other Information

### *Electronic Access to This Document:*

The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 11, 2015.

**John Tschida,**

*Director, National Institute on Disability, Independent Living, and Rehabilitation Research.*

[FR Doc. 2015-05948 Filed 3-13-15; 8:45 am]

**BILLING CODE 4154-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Community Living

### Applications for New Awards; National Institute on Disability, Independent Living, and Rehabilitation Research; Advanced Rehabilitation Research Training Program

**AGENCY:** Administration for Community Living, HHS.

**ACTION:** Notice.

**SUMMARY:** Overview Information: National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—Advanced Rehabilitation Research Training (ARRT) Program—Advanced Rehabilitation Research Policy Fellowship.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133P-5.

**DATES:** Applications Available: March 16, 2015.

**Note:** On July 22, 2014, President Obama signed the Workforce Innovation Opportunity Act (WIOA). WIOA was effective immediately. One provision of WIOA transferred the National Institute on Disability and Rehabilitation Research (NIDRR) from the Department of Education to the Administration for Community Living (ACL) in the Department of Health and Human Services. In addition, NIDRR's name was changed to the Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). For FY 2015, all NIDILRR priority notices will be published as ACL notices, and ACL will make all NIDILRR awards. During this transition period, however, NIDILRR will continue to review grant applications using Department of Education tools. NIDILRR will post previously-approved application kits to grants.gov, and NIDILRR applications submitted to grants.gov will be forwarded to the Department of Education's G-5 system for peer review. We are using Department of Education application kits and peer review systems during this transition year in order to provide for a smooth and orderly process for our applicants.

Date of Pre-Application Meeting:  
April 7, 2015.

Deadline for Transmittal of  
Applications: May 15, 2015.

## Full Text of Announcement

### I. Funding Opportunity Description

**Purpose of Program:** The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology. The Program's activities are designed to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Advanced Rehabilitation Research Training Program.

The purpose of NIDILRR's ARRT program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to provide advanced research training and experience to individuals with doctorates, or similar advanced degrees, who have clinical or other relevant experience. ARRT projects train rehabilitation researchers, including researchers with disabilities, with particular attention to research areas that support the implementation and objectives of the Rehabilitation Act, and

that improve the effectiveness of services authorized under the Rehabilitation Act. Additional information on the ARRT program can be found at: [www.ed.gov/rschstat/research/pubs/res-program.html#ARRT.AbsolutePriority](http://www.ed.gov/rschstat/research/pubs/res-program.html#ARRT.AbsolutePriority).

For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 45 CFR part 75 we consider only applications that meet this program priority.

This priority is:  
*Advanced Rehabilitation Research Policy Fellowship.*

**Note:** This priority is from the notice of final priority for this program, published in the **Federal Register** on July 21, 2013 (79 FR 42399 and corrected 79 FR 47632).

**Program Authority:** 29 U.S.C. 764(b)(2)(A).

**Applicable Regulations:** (a) The Department of Health and Human Services General Administrative Regulations in 45 CFR part 75 (b) Audit Requirements for Federal Awards in 45 CFR part 75 Subpart F; (c) 45 CFR part 75 Non-procurement Debarment and Suspension; (d) 45 CFR part 75 Requirement for Drug-Free Workplace (Financial Assistance); (e) The regulations for this program in 34 CFR part 350; (f) The notice of final priority for this program, published in the **Federal Register** on June 11, 2013 (78 FR 34901); and (g) The notice of final priorities and definitions, published in the **Federal Register** on July 21, 2013 (79 FR 42399 and corrected 79 FR 47632).

### II. Award Information

**Type of Award:** Discretionary grants.  
**Estimated Available Funds:** \$150,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 and any subsequent year from the list of unfunded applicants from this competition.

**Maximum Award:** \$150,000.

We will reject any application that proposes a budget exceeding \$150,000 for a single budget period of 12 months. The Administrator of the Administration for Community Living may change the maximum amount through a notice published in the **Federal Register**.

**Note:** Consistent with 45 CFR part 75, indirect cost reimbursement for a training grant is limited to eight percent of a modified total direct cost base, defined as total direct costs less stipends, tuition and related fees, equipment, and the amount of each subaward in excess of \$25,000. Indirect costs can also

be determined in the grantee's negotiated indirect cost rate agreement if that amount is less than the amount calculated under the formula above.

**Estimated Number of Awards:** 1.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 60 months.

### III. Eligibility Information

1. **Eligible Applicants:** Institutions of Higher Education.

2. **Cost Sharing or Matching:** This program does not require cost sharing or matching.

### IV. Application and Submission Information

1. **Address to Request Application Package:** You can obtain an application package via grants.gov, or by contacting Patricia Barrett: U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: [patricia.barrett@ed.gov](mailto:patricia.barrett@ed.gov).

If you request an application from Patricia Barrett, be sure to identify this program as follows: CFDA number 84.133P-5.

2. **Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

**Page Limit:** The project narrative section of the application is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative. You are not required to double space titles, headings, footnotes, references, and captions, or text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The recommended page limit only applies to the project narrative section of your application, which is uploaded to Grants.gov under the "Project

Narrative” heading. It does not apply to the material you will upload under the other nine required Grants.gov heading, and one optional heading for “other attachment Forms,” which are listed in the Application package for Grants.gov, available at [www.ed.gov/fund/grant/apply/grantapps/index.html](http://www.ed.gov/fund/grant/apply/grantapps/index.html).

**Note 1:** Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

**Note 2:** An applicant should consult NIDRR’s Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

**3. Submission Dates and Times:** Applications Available: March 16, 2015.

**Date of Pre-Application Meeting:** Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDILRR staff. The pre-application meeting will be held April 7, 2015. Interested parties may participate in this meeting by conference call with NIDILRR staff from the Administration for Community Living between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDILRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact Carolyn Baron, U.S. Department of Health and Human Services, 550 12th Street SW., Room 5134, PCP, Washington, DC 20202; or by email to: [Carolyn.Baron@ed.gov](mailto:Carolyn.Baron@ed.gov).

**Deadline for Transmittal of Applications:** May 15, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. **Other Submission Requirements** of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

**4. Intergovernmental Review:** This program is not subject to Executive Order 12372.

**5. Funding Restrictions:** We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

**6. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:** To do business with the Department of Health and Human Services, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government’s primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS

number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

**7. Other Submission Requirements:** Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

**a. Electronic Submission of Applications.**

Applications for grants under the Advanced Rehabilitation Research Policy Fellowship ARRT competition, CFDA Number 84.133P–5, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under

### *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for this ARRT competition at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133P).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at [www.G5.gov](http://www.G5.gov).

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information

you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

**Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System:** If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your

application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Patricia Barrett, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202-2700. FAX: (202) 245-7323.

Your paper application must be submitted in accordance with the mail instructions described in this notice.

### *b. Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the



application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133P-5), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Administrator of the Administration for Community Living of the U.S. Department of Health and Human Services.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### Note for Mail Delivery of Paper

**Applications:** If you mail your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

#### V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* Final award decisions will be made by the Administrator, ACL. In making these decisions, the Administrator will take into consideration: The ranking of the review panel; reviews for programmatic and grants management compliance; the reasonableness of the estimated cost to the government considering the available funding and anticipated

results; and the likelihood that the proposed project will result in the benefits expected. Under Section 75.205, item (3) history of performance is an item that is reviewed. In addition, in making a competitive grant award, the Administrator of the Administration for Community Living also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Health and Human Services 45 CFR part 75.

3. *Special Conditions:* Under 45 CFR part 75 the Administrator of the Administration for Community Living may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 45 CFR part 75, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

#### VI. Award Administration Information

1. *Award Notices:* If your application is successful, we send you a Notice of Award (NOA) or we may send you an email containing a link to access an electronic version of your NOA. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the NOA. The NOA also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 45 CFR part 75 should you receive funding under the competition. This does not apply if you have an exception under 45 CFR part 75.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Administrator of the Administration for Community Living. If you receive a multi-year award, you must submit an annual performance report that provides the most current

performance and financial expenditure information as directed by the Administrator of the Administration for Community Living under 45 CFR part 75. All NIDILRR grantees will submit their annual and final reports through NIDILRR's online reporting system and as designated in the terms and conditions of your NOA. The Administrator of the Administration for Community Living may also require more frequent performance reports under 45 CFR part 75. For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/grantapps/index.html](http://www.ed.gov/fund/grant/apply/grantapps/index.html).

(c) FFATA and FSRS Reporting.

The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Subaward Reporting System (<http://www.FSRS.gov>) for all sub-awards and sub-contracts issued for \$25,000 or more as well as addressing executive compensation for both grantee and sub-award organizations.

For further guidance please see the following link: [http://www.acl.gov/Funding\\_Opportunities/Grantee\\_Info/FFATA.aspx](http://www.acl.gov/Funding_Opportunities/Grantee_Info/FFATA.aspx).

If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information. Annual and Final Performance reports will be submitted through NIDILRR's online Performance System and as designated in the terms and conditions of your NOA. At the end of your project period, you must submit a final performance report, including financial information.

**Note:** NIDILRR will provide information by letter to successful grantees on how and when to submit the report.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDILRR assesses the quality of its funded projects through a review of grantee performance and accomplishments. Performance measures for the ARRT program include—

- The percentage of NIDILRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDILRR-sponsored research in refereed journals.

- The average number of publications per award based on NIDILRR-funded research and development activities in refereed journals.

For these reviews, NIDILRR uses information submitted by grantees as part of its Annual Performance Reports.

5. *Continuation Awards:* In making a continuation award, the Administrator of the Administration for Community



Living may consider, under 45 CFR part 75, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Administrator also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department. Continuation funding is also subject to availability of funds.

## VII. Agency Contact

### FOR FURTHER INFORMATION CONTACT:

Patricia Barrett, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: [patricia.barrett@ed.gov](mailto:patricia.barrett@ed.gov).

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

## VIII. Other Information

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 11, 2015.

**John Tschida,**

*Director, National Institute on Disability, Independent Living, and Rehabilitation Research.*

[FR Doc. 2015-05949 Filed 3-13-15; 8:45 a.m.]

**BILLING CODE 4154-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Loan Repayment Program Review.

**Date:** April 15, 2015.

**Time:** 8:00 a.m. to 3:00 p.m.

**Agenda:** To review and evaluate contract proposals.

**Place:** National Institutes of Health; Democracy I; 6701 Democracy Boulevard, Suite 812; Bethesda, MD 20892, (Virtual Meeting).

**Contact Person:** Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892; 301-451-4838 [mak2@mail.nih.gov](mailto:mak2@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: March 10, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05817 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Mental Health Special Emphasis Panel; Novel NeuroAIDS Therapeutics IPCP (P01).

**Date:** April 2, 2015.

**Time:** 12:00 p.m. to 4:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

**Contact Person:** David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive BLVD, Room 6140, MSC 9608, Bethesda, MD 20892-9608, 301-443-9734, [millerda@mail.nih.gov](mailto:millerda@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: March 10, 2015.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05822 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; RFA-AI-14-057: U.S.-China Program for Research Toward a Cure for HIV/AIDS.

**Date:** March 24, 2015.

**Time:** 10:00 a.m. to 5:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

**Contact Person:** Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301-451-8754, [tuo@nei.nih.gov](mailto:tuo@nei.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 10, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05824 Filed 3-13-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Submission for OMB Review; Comment Request

**Title:** Child Care Quarterly Case Record Report—ACF-801.

**OMB No.:** 0970-0167.

**Description:** Section 658K of the Child Care and Development Block Grant Act (42 U.S.C. 9858) requires that States and Territories submit monthly case-level data on the children and families receiving direct services under the Child Care and Development Fund (CCDF). The implementing regulations for the statutorily required reporting are at 45 CFR 98.70. Case-level reports, submitted quarterly or monthly (at grantee option), include monthly sample or full population case-level data. The data elements to be included in these reports are represented in the ACF-801. ACF uses disaggregate data to determine program and participant characteristics as well as costs and levels of child care services provided. This provides ACF

with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. On November 19, 2014, the President signed the Child Care and Development Block Grant Act of 2014 (Pub. L. 113-86) which reauthorized the CCDF program and made some changes to ACF-801 reporting requirements. Owing to the need to consult with CCDF administrators and other interested parties on these changes, and a limited amount of time before the current ACF-801 form expires, ACF is not proposing changes to the ACF-801 at this time. We request to extend the ACF-801 without changes in order to ensure the form does not expire. In the near future, ACF plans to initiate a new clearance process under the Paperwork Reduction Act to implement the data reporting changes in the newly-reauthorized law.

**Respondents:** States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

#### ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF-801 .....	56	4	25	5,600
Estimated total annual burden hour .....	.....	.....	.....	5,600

**Additional Information:** Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov).

**OMB Comment:** OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, **Email: OIRA\_SUBMISSION@OMB.EOP.GOV**, Attn:

Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2015-05918 Filed 3-13-15; 8:45 am]

**BILLING CODE 4184-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2011-N-0793]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Recall Authority

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the

proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements for medical device recall authority.

**DATES:** Submit either electronic or written comments on the collection of information by May 15, 2015.

**ADDRESSES:** Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the

docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, *PRAStaff@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical

utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Medical Device Recall Authority—21 CFR 810 (OMB Control Number 0910-0432)—Extension**

This collection of information implements section 518(e) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360h(e)) and part 810 (21 CFR part 810), medical device recall authority provisions. Section 518(e) of the FD&C Act provides FDA with the authority to issue an order requiring an appropriate person, including manufacturers, importers, distributors, and retailers of a device, if FDA finds that there is reasonable probability that the device intended for human use would cause serious adverse health consequences or death, to: (1) Immediately cease distribution of such device; (2) immediately notify health professionals and device-user facilities of the order; and (3) instruct such professionals and facilities to cease use of such device.

Further, the provisions under section 518(e) of the FD&C Act set out the

following three-step procedure for issuance of a mandatory device recall order:

- If there is a reasonable probability that a device intended for human use would cause serious, adverse health consequences or death, FDA may issue a cease distribution and notification order requiring the appropriate person to immediately:
  - Cease distribution of the device,
  - notify health professionals and device user facilities of the order, and
  - instruct those professionals and facilities to cease use of the device;
- FDA will provide the person named in the cease distribution and notification order with the opportunity for an informal hearing on whether the order should be modified, vacated, or amended to require a mandatory recall of the device; and
- after providing the opportunity for an informal hearing, FDA may issue a mandatory recall order if the Agency determines that such an order is necessary.

The information collected under the recall authority provisions will be used by FDA to do the following: (1) Ensure that all devices entering the market are safe and effective; (2) accurately and immediately detect serious problems with medical devices; and (3) remove dangerous and defective devices from the market.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Collection activity—21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Collections Specified in the Order—810.10(d) .....	2	1	2	8	16
Request for Regulatory Hearing—810.11(a) .....	1	1	1	8	8
Written Request for Review—810.12(a–b) .....	1	1	1	8	8
Mandatory Recall Strategy—810.14 .....	2	1	2	16	32
Periodic Status Reports—810.16(a–b) .....	2	12	24	40	960
Termination Request—810.17(a) .....	2	1	2	8	16
Total hours .....					1,040

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>

Collection activity—21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Documentation of Notifications to Recipients—810.15(b) ...	2	1	1	8	8

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN <sup>1</sup>

Collection activity—21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notification to Recipients—810.15(a)–(c) .....	2	1	2	12	24
Notification to Recipients; Followup—810.15(d) .....	2	1	2	4	8
Notification of Consignees by Recipients—810.15(e) .....	10	1	10	1	10
Total .....					42

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 10, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05868 Filed 3–13–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

#### Final Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's

(FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

**DATES:** The effective date of January 7, 2015 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) by the effective date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations

listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov).

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: February 23, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

Community	Community map repository address
<b>Floyd County, Iowa and Incorporated Areas</b> <b>Docket No.: FEMA–B–1342</b>	
City of Charles City .....	City Hall, 105 Milwaukee Mall, Charles City, IA 50616.
Unincorporated Areas of Floyd County .....	Floyd County Courthouse, 101 South Main Street, Suite 108, Charles City, IA 50616.

[FR Doc. 2015-05846 Filed 3-13-15; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY****U.S. Customs and Border Protection****Notice of Issuance of Final Determination Concerning Certain Notebook Computer Products**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of final determination.

**SUMMARY:** This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of certain notebook computer products known as the EliteBook 840-G1 Notebook. Based upon the facts presented, CBP has concluded that in all four scenarios, the country of origin of the notebook computer is Country A for purposes of U.S. Government procurement.

**DATES:** The final determination was issued on March 10, 2015. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within April 15, 2015.

**FOR FURTHER INFORMATION CONTACT:** Grace A. Kim, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202) 325-7941.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on March 10, 2015, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain notebook computer products known as the EliteBook 840-G1 Notebook, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H240199, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP concluded that in all four scenarios, the processing in Country D or F does not result in a substantial transformation. Therefore, the country of origin of the notebook computer in all four scenarios is Country A for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 10, 2015.

**Glen E. Vereb,**

*Acting Executive Director, Regulations and Rulings, Office of International Trade.*

HQ H240199

March 10, 2015

OT:RR:CTF:VS H240199 GaK

CATEGORY: Origin

Mr. Carlos Halasz  
Hewlett-Packard Company  
8501 SW 152 St.  
Palmetto Bay, FL 33157

RE: U.S. Government Procurement; Country of Origin of Computer Notebook; Substantial Transformation

Dear Mr. Halasz:

This is in response to your letter dated March 14, 2013, and your supplemental submission dated March 10, 2014 requesting a final determination on behalf of Hewlett-Packard Company ("HP") pursuant to Subpart B of Part 177 of the U.S. Customs and Border Protection ("CBP") Regulations (19 CFR part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 ("TAA"), as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or for products offered for sale to the U.S. Government. This final determination concerns the country of origin of HP's EliteBook 840-G1 Notebook ("Elitebook"). As a U.S. importer, HP is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. A meeting was held at our office on January 5, 2015.

In your letter, you requested confidential treatment for certain information contained in the file. Pursuant to 19 CFR 177.2(b)(7), the identified information has been bracketed and will be redacted in the public version of this final determination.

**FACTS:**

The Elitebook is a commercial notebook computer. The components of the Elitebook are sourced from various countries. The components include:

- **Base Unit:** The base unit is the bottom of the finished notebook made of a metal frame, with metal or plastic skins. The base unit includes antennae, a printed circuit assembly ("PCA"), the central processing unit ("CPU"), the BIOS chip, the keyboard, cables, connectors and speakers. The CPU is

sourced in Country A, [\*\*\*\*\*] or Country G, [\*\*\*\*\*]. The base unit is assembled in Country A, a non-TAA designated country.

- **Hinge-Up:** The hinge-up is the top of the finished notebook. It consists of an LCD display, surrounding frame, and hinges for attachment to the base unit. The hinge-up is assembled in Country A.

- **Hard Disk Drive/Solid State Drive:** The drives store data, including the operating system and value-added software. Both drives are sourced in Country A or Country B, [\*\*\*\*\*] a TAA designated country.

- **WLAN Card:** The WLAN card establishes wireless connections with other devices. It consists of a printed circuit board, radio frequency transmit/receive components and baseband processor. The country of origin of the WLAN card is Country A.

- **Random Access Memory (RAM):** The RAM are integrated circuits affixed to a printed circuit board. It has direct access to the CPU and is the main memory system. It is produced in Country A, Country B, or Country C, [\*\*\*\*\*] a TAA designated country.

- **Battery:** The country of origin of the battery is Country A.

- **BIOS:** The BIOS executes the instructions that start the notebook and prepares the hardware for use. It loads the operating system and passes control of many functions to the operating system. The BIOS is developed and written at HP's laboratory in Country D, [\*\*\*\*\*] a TAA designated country.

- **Operating system ("OS"):** The OS works with application programs to perform user interface, job management, task management, data management, device management, and security. The OS is a third-party product that HP downloads onto most Elitebooks, and is developed in Country D.

- **Other minor components** such as cables, brackets, screws, CD's and manuals are sourced from a variety of countries, and comprise less than 2% of the Elitebook.

The BIOS is electronically transmitted from Country D to Country E, [\*\*\*\*\*] a TAA designated country, where it is maintained by a HP team. BIOS maintenance includes adding device support, such as a new wireless LAN card, and improving field issues that were not discovered during standard testing. HP states that the Elitebook is non-functional without the BIOS because it executes the instructions that start the notebook and provides the basic instructions for controlling the system hardware, and includes all necessary hardware drivers and provides a uniform interface for the OS to access the hardware. HP further states that the BIOS authenticates the hardware, OS, and application programs before they are loaded.

According to your letter, HP will assemble the Elitebook by one of the four scenarios described below.

**Scenario 1:** This scenario applies when all the components are imported to Country F, [\*\*\*\*\*] a TAA designated country for assembly.

1. The base unit is placed over the hinge-up.
2. The hinges are closed and screwed shut.
3. Cables for the display and the antennae are routed and secured to avoid damage.

4. The unit is moved to a station where the memory, hard disk/solid state drive, and WLAN are installed into the unit, connected and secured in place.

5. The battery is inserted into the base unit.

6. The unit is moved to the next station where the OS is downloaded onto the hard disk/solid state drive. The BIOS is downloaded on the flash device (BIOS chip) that is inside the base unit.

After assembly is complete, the unit goes through a testing phase, where the operator performs tests as indicated by HP developed diagnostic software and addresses any problems that arise. The acceptable units are sent to packaging and 4% of the units are reviewed for quality assurance, which consists of a "hood off" audit to ensure that all components are present, a "pre-test" using a software diagnostic program, and a "run-in" software diagnostic program to identify possible errors that are fixed after the run. After packaging, 2% of the units are opened for an "out of the box audit" to ensure that all accessories are included and the "run-in" test is executed.

**Scenario 2:** This scenario is identical to Scenario 1 except that the base unit and the hinge-up are combined in Country A and imported into Country F for remaining assembly processes, testing, quality control and packaging.

**Scenario 3:** This scenario is identical to Scenario 1 except that all the hardware components are assembled in Country A before they are imported to Country F. The production/assembly that occurs in Country F are the BIOS and the OS download as well as the testing, quality control and packaging.

**Scenario 4:** In this scenario, all the hardware components are assembled in Country A and imported to Country D. The BIOS and the OS is downloaded in Country D then the notebook goes through testing, quality control and packaging.

#### ISSUE:

In each scenario, what is the country of origin of the Elitebook for purposes of U.S. government procurement?

#### LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See C.S.D. 80-111, C.S.D. 85-25, C.S.D. 89-110, C.S.D. 89-118, C.S.D. 90-51, and C.S.D. 90-97. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States*, 3 Ct. Int'l Trade 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983).

"The term 'character' is defined as 'one of the essentials of structure, form, materials, or function that together make up and usually distinguish the individual.'" *Uniden America Corporation v. United States*, 120 F. Supp. 2d. 1091, 1096 (citations omitted) (Ct. Int'l Trade 2000), *citing National Hand Tool Corp. v. United States*, 16 Ct. Int'l Trade 308, 311 (1992). In *Uniden* (concerning whether the assembly of cordless telephones and the installation of their detachable A/C (alternating current) adapters constituted instances of substantial transformation), the Court of International Trade applied the "essence test" and found that "[t]he essence of the telephone is housed in the base and the handset.

In *Data General v. United States*, 4 Ct. Int'l Trade 182 (1982), the court determined that for purposes of determining eligibility under item 807.00, Tariff Schedules of the United States (predecessor to subheading 9802.00.80, Harmonized Tariff Schedule of the United States), the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In programming the imported PROMs, the U.S. engineers systematically caused various distinct electronic interconnections to be formed within each integrated circuit. The programming bestowed upon each circuit its electronic function, that is, its "memory" which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. This physical alteration, not visible to the naked eye, could be discerned by electronic testing of the PROM. The court noted that the programs were designed by a U.S. project engineer with many years of experience in "designing and building hardware." In addition, the court noted that while replicating the program pattern from a "master" PROM may be a quick one-step process, the development of the pattern and the production of the "master" PROM required much time and expertise. The court noted that it was undisputed that programming altered the character of a PROM. The essence of the article, its interconnections or stored memory, was established by programming. The court concluded that altering the non-

functioning circuitry comprising a PROM through technological expertise in order to produce a functioning read only memory device, possessing a desired distinctive circuit pattern, was no less a "substantial transformation" than the manual interconnection of transistors, resistors and diodes upon a circuit board creating a similar pattern.

In *Texas Instruments v. United States*, 681 F.2d 778, 782 (CCPA 1982), the court observed that the substantial transformation issue is a "mixed question of technology and customs law."

In C.S.D. 84-85, 18 Cust. B. & Dec. 1044, CBP stated:

We are of the opinion that the rationale of the court in the Data General case may be applied in the present case to support the principle that the essence of an integrated circuit memory storage device is established by programming; . . . [W]e are of the opinion that the programming (or reprogramming) of an EPROM results in a new and different article of commerce which would be considered to be a product of the country where the programming or reprogramming takes place.

Accordingly, the programming of a device that confers its identity as well as defines its use generally constitutes substantial transformation. See also Headquarters Ruling Letter ("HQ") 558868, dated February 23, 1995 (programming of SecureID Card substantially transforms the card because it gives the card its character and use as part of a security system and the programming is a permanent change that cannot be undone); HQ 735027, dated September 7, 1993 (programming blank media (EEPROM) with instructions that allow it to perform certain functions that prevent piracy of software constitute substantial transformation); and, HQ 733085, dated July 13, 1990; *but see* HQ 732870, dated March 19, 1990 (formatting a blank diskette does not constitute substantial transformation because it does not add value, does not involve complex or highly technical operations and did not create a new or different product); and, HQ 734518, dated June 28, 1993, (motherboards are not substantially transformed by the implanting of the central processing unit on the board because, whereas in Data General use was being assigned to the PROM, the use of the motherboard had already been determined when the importer imported it).

#### Scenario 1 and 2:

In Scenario 1, the base unit containing a PCA, CPU, BIOS chip, amongst other components is placed over the hinge-up (which contains a LCD display) in Country F. The hard disk drive and WLAN are installed and the OS and BIOS are downloaded. In Scenario 2, the base unit and hinge-up are already assembled in Country A before importation into Country F. After the hardware components are assembled, the BIOS is downloaded onto the flash device.

HP claims that as a result of the assembly operations performed in Country F, the various foreign components undergo a substantial transformation, such that the finished Elitebook becomes a product of Country F for purposes of U.S. Government

procurement. HP cites HQ 560677, dated February 3, 1998, to support the argument that the assembly operations coupled with the BIOS download transform discrete and inoperable components into a finished product with a different name, character and use. In HQ 560677, CBP considered two different notebook computers manufactured in the U.S. with parts and components from various countries. In the first scenario, the imported chassis included the LCD and the CPU from various countries, but the BIOS and memory modules were not included. Other imported components were the hard disk drive (Thailand), BIOS chip (U.S.), floppy disk drive (China), AC adapter (China), CD ROM (Japan), fax modem cards (U.S.), a docking station (Taiwan), and memory board (Korea, Japan, or Singapore). The assembly process in the U.S. consisted of installing the BIOS chip (which was of U.S. origin), the memory modules, the hard disk drive, the network interface card, and downloading the flash BIOS into non-volatile RAM. In the second scenario, the imported chassis included the LCD screen (Taiwan), the floppy disc drive (China), and the BIOS chip but neither the keyboard, the CPU nor other primary chips were included. Similar components as in the first scenario were imported and the assembly process in the U.S. consisted of installing the CPU processor module (of U.S. origin), the hybrid cooler, the keyboard, the memory modules, the hard disk drive, the PCMCIA modem card, and downloading the flash BIOS into non-volatile RAM. CBP concluded that the foreign components used in the manufacture of the notebook computers lost their separate identities and became an integral part of a notebook computer as a result of the operations performed in the U.S.

HQ H241177, dated December 3, 2013, Ethernet switches were assembled to completion in Malaysia and then shipped to Singapore, where U.S.-origin software was downloaded onto the switches. CBP found that the software downloading performed in Singapore did not amount to programming and that the country of origin was Malaysia, where the last substantial transformation occurred.

In this case, the base unit is assembled in Country A and it includes the antennae, printed circuit assembly, CPU, BIOS chip, keyboard, cables, connectors, and speakers. The base unit is imported into Country F and the BIOS from Country D is downloaded. Based on the facts in this case and consistent with the Customs rulings cited above, we find that under Scenarios 1 and 2, the last substantial transformation of the Elitebook components occurs in Country A. Most of the major components are sourced in Country A, unlike HQ 560677, where the components came from various countries and in each scenario a major component (BIOS chip or CPU) was of U.S. origin, where the assembly occurred. Further, downloading the BIOS does not substantially transform the Elitebook. Therefore, we find that the country of origin for purposes of U.S. Government procurement in Scenarios 1 and 2 is Country A.

#### Scenario 3:

In Scenario 3, all of the hardware components are assembled in Country A and imported into Country F. The operations that occur in Country F are BIOS download, OS download, testing, quality control and packaging. The issue is whether the downloading of the BIOS and OS substantially transforms the notebook computer. As indicated above, the programming of a device that defines its use generally constitutes a substantial transformation. Software downloading by itself, however, does not amount to programming, which involves writing, testing and implementing code necessary to make a computer function in a certain way. See HQ H241177 (Dec. 3, 2013) *supra*, see also *Data General supra*.

Consistent with the Customs rulings cited above, we find that the BIOS and OS downloading does not result in a substantial transformation in Country F. Given these facts, we find that the country where the last substantial transformation occurs is Country A, where the major assembly processes are performed. The country of origin for purposes of U.S. Government procurement in Scenario 3 is Country A.

#### Scenario 4:

Here, all of the hardware components are assembled in Country A and imported into Country D. In Country D, the BIOS and OS are downloaded and the Elitebook is tested for quality assurance and packaged. As indicated above, software downloading by itself does not result in a substantial transformation. Consistent with the Customs rulings cited above, we find that the country where the last substantial transformation occurs is Country A, where the major assembly processes are performed. The country of origin for purposes of U.S. Government procurement in Scenario 4 is Country A.

#### HOLDING:

Based on the facts of this case, we find that in Scenarios 1, 2, 3, and 4, the last substantial transformation takes place in Country A. The country of origin of the Elitebook is Country A for purposes of U.S. Government procurement and country of origin marking.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Glen E. Vereb  
Acting Executive Director, Regulations and  
Rulings, Office of International Trade

[FR Doc. 2015-05954 Filed 3-13-15; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2015-0006]

#### Notice of Public Meetings on the Proposed Revised Guidelines for Implementing Executive Order 11988, Floodplain Management, As Revised Through the Federal Flood Risk Management Standard

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice is to announce two public meetings to solicit public input on the proposed "Revised Guidelines for Implementing Executive Order 11988, Floodplain Management."

**DATES:** The first public meeting will be held in Fairfax, VA on March 24, 2015, from 9:00 a.m. to 12:00 p.m. Eastern Time (ET). The second public meeting will be held by webinar on March 25, 2015, from 3:00 p.m. to 6:00 p.m. Eastern Time (ET).

**ADDRESSES:** The first public meeting will be held in Fairfax, VA, at George Mason University, 4400 University Drive, Jackson Center Building #30, Fairfax, VA 22030. The second public meeting will be by webinar.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by March 20.

Due to space constraints of the facility, seating will be limited to 300 participants for the Fairfax, VA meeting. To reserve a seat in advance for this meeting, or the webinar, please provide a request via email or mail with the contact information of the participant (including name, mailing address, and email address), the meeting(s) to be attended, and include the subject/attention line (or on the envelope if by mail): Reservation Request for FFRMS Meeting. Advance reservations must be received 3 business days prior to each meeting to ensure processing. Unregistered participants will be accepted after all participants with reservations have been accommodated and will be admitted on a first-come, first-serve basis, provided the person capacity is not exceeded. To submit reservations, please email: [FEMA-FFRMS@fema.dhs.gov](mailto:FEMA-FFRMS@fema.dhs.gov) or send by mail to the address listed in the **FOR FURTHER INFORMATION CONTACT** caption.

To facilitate public participation, members of the public are invited to



provide written comments on the issues to be considered at the public meetings. Comments may be submitted by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

**Instructions:** All submissions received must include the docket ID FEMA–2015–0006. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read comments received, go to <http://www.regulations.gov>, and search for the Docket ID FEMA–2015–0006.

**FOR FURTHER INFORMATION CONTACT:** Bradley Garner, 202–646–3901 or [FEMA-FFRMS@fema.dhs.gov](mailto:FEMA-FFRMS@fema.dhs.gov). **Mailing Address:** FFRMS, 1800 South Bell Street, Room 627, Arlington, VA 20598–3030. The Web site is <https://www.fema.gov/federal-flood-risk-management-standard-ffrms>.

**SUPPLEMENTARY INFORMATION:** On January 30, 2015, the President signed Executive Order 13690, directing FEMA, on behalf of the Mitigation Framework Leadership Group, to publish for public comment draft revised Floodplain Management Guidelines to provide guidance to agencies on the implementation of Executive Order 11988, as amended, consistent with a new Federal Flood Risk Management Standard. These draft revised Guidelines were developed by the Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force. FEMA is publishing this Notice on behalf of the Mitigation Framework Leadership Group, which is chaired by FEMA, to solicit and consider public input on the draft revised Guidelines at two public meetings.

Background information about these topics is available on the FFRMS Web site at <https://www.fema.gov/federal-flood-risk-management-standard-ffrms> or in the docket for this Notice at [www.regulations.gov](http://www.regulations.gov), Docket ID FEMA–2015–0006.

These meetings are exempt from the Federal Advisory Committee Act (FACA), as the Mitigation Framework Leadership Group is an intergovernmental committee and falls under the intergovernmental committee exception to FACA, 41 CFR 102–3.40(g).

**Authority:** Executive Order 11988, as amended; Executive Order 13690.

Dated: March 6, 2015.

**Roy Wright,**

*Deputy Associate Administrator for Mitigation, Federal Emergency Management Agency.*

[FR Doc. 2015–05832 Filed 3–13–15; 8:45 am]

**BILLING CODE 9111–47–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection [1651–0007]

#### Agency Information Collection Activities: Application for Allowance in Duties

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; revision of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application for Allowance in Duties. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before April 15, 2015 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 77019) on December 23, 2014, allowing for a 60-day comment period. This notice allows for an

additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

**Title:** Application for Allowance in Duties.

**OMB Number:** 1651–0007.

**Form Number:** Form 4315.

**Abstract:** CBP Form 4315, “Application for Allowance in Duties,” is submitted to CBP in instances of claims of damaged or defective imported merchandise on which an allowance in duty is made in the liquidation of the entry. The information on this form is used to substantiate an importer's claim for such duty allowances. CBP Form 4315 is authorized by 19 U.S.C. 1506 and provided for by 19 CFR 158.11, 158.13 and 158.23. This form is accessible at: [http://www.cbp.gov/sites/default/files/documents/CBP%20Form%204315\\_0.pdf](http://www.cbp.gov/sites/default/files/documents/CBP%20Form%204315_0.pdf).

**Action:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to Form 4315.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses.

**Estimated Number of Respondents:** 12,000.

**Estimated Number of Total Annual Responses:** 12,000.

**Estimated Time per Response:** 8 minutes.

**Estimated Annual Burden Hours:** 1,600.



Dated: March 9, 2015.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2015-05758 Filed 3-13-15; 8:45 am]

**BILLING CODE 9111-14-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2015-0001; Internal Agency Docket No. FEMA-B-1471]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before June 15, 2015.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1471, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP

and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: February 23, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

Community	Community map repository address
<b>Atlantic County, New Jersey (All Jurisdictions)</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a>	
Borough of Buena .....	Buena Borough Construction and Permits Office, 616 Central Avenue, Minotola, NJ 08341.
Borough of Folsom .....	Borough Hall, 1700 12th Street, Folsom, NJ 08037.
Borough of Longport .....	Borough Hall, 2305 Atlantic Avenue, Longport, NJ 08403.
City of Absecon .....	City Hall, 500 Mill Road, Absecon, NJ 08201.
City of Atlantic City .....	City Hall, 1301 Bacharach Boulevard, Atlantic City, NJ 08401.
City of Brigantine .....	City Hall, 1417 West Brigantine Avenue, Brigantine, NJ 08203.

Community	Community map repository address
City of Corbin City .....	City Hall, 316 Route 50, Corbin City, NJ 08270.
City of Egg Harbor City .....	City Hall, 500 London Avenue, Egg Harbor City, NJ 08215.
City of Estell Manor .....	City Hall, 148 Cumberland Avenue, Estell Manor, NJ 08319.
City of Linwood .....	Construction Office, 400 Poplar Avenue, Linwood, NJ 08221.
City of Margate City .....	Construction Office, 9001 Winchester Avenue, Margate City, NJ 08402.
City of Northfield .....	City Hall, 1600 Shore Road, Northfield, NJ 08225.
City of Pleasantville .....	City Hall, 18 North First Street, Pleasantville, NJ 08232.
City of Port Republic .....	City Hall, 143 Main Street, Port Republic, NJ 08241.
City of Somers Point .....	Construction Office, 741 Shore Road, Somers Point, NJ 08244.
City of Ventnor City .....	Ventnor City Clerk's Office, 6201 Atlantic Avenue, Ventnor, NJ 08406.
Town of Hammonton .....	Engineer's Office, 850 South White Horse Pike, Hammonton, NJ 08037.
Township of Buena Vista .....	Buena Vista Township Hall, 890 Harding Highway, Buena, NJ 08310.
Township of Egg Harbor .....	Municipal Building, 3515 Bargaintown Road, Egg Harbor Township, NJ 08234.
Township of Galloway .....	Construction Office, 300 East Jimmie Leeds Road, Galloway, NJ 08205.
Township of Hamilton .....	Hamilton Township Zoning Office, 6101 Thirteenth Street, Mays Landing, NJ 08330.
Township of Mullica .....	Mullica Township Hall, 4528 White Horse Pike, Elwood, NJ 08217.
Township of Weymouth .....	Weymouth Township Municipal Building, 45 South Jersey Avenue, Dorothy, NJ 08317.

#### Burlington County, New Jersey (All Jurisdictions)

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Township of Bass River .....	Bass River Township Municipal Building, 3 North Maple Avenue, New Gretna, NJ 08087.
Township of Washington .....	Washington Township Municipal Building, 2436 County Route 563, Egg Harbor, NJ 08215.

#### Cape May County, New Jersey (All Jurisdictions)

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Avalon .....	Construction Office, 3100 Dune Drive, Avalon, NJ 08202.
Borough of Cape May Point .....	Clerk's Office, 215 Lighthouse Avenue, Cape May Point, NJ 08212.
Borough of Stone Harbor .....	Construction Office, 9508 Second Avenue, Stone Harbor, NJ 08247.
Borough of West Cape May .....	Borough Hall, 732 Broadway, West Cape May, NJ 08204.
Borough of West Wildwood .....	Borough Hall, 701 West Glenwood Avenue, West Wildwood, NJ 08260.
Borough of Wildwood Crest .....	Construction Department, 6101 Pacific Avenue, Wildwood Crest, NJ 08260.
Borough of Woodbine .....	Borough Hall, 501 Washington Avenue, Woodbine, NJ 08270.
City of Cape May .....	Assessor's Office, 643 Washington Street, Cape May, NJ 08204.
City of North Wildwood .....	City Hall, 901 Atlantic Avenue, North Wildwood, NJ 08260.
City of Ocean City .....	Community Operations Department, 115 East 12th Street, Ocean City, NJ 08226.
City of Sea Isle City .....	City Hall, 4501 Park Road, Sea Isle City, NJ 08243.
City of Wildwood .....	Zoning Office, 4400 New Jersey Avenue, Wildwood, NJ 08260.
Township of Dennis .....	Dennis Township Municipal Building, 571 Petersburg Road, Dennisville, NJ 08214.
Township of Lower .....	Lower Township Hall, 2600 Bayshore Road, Villas, NJ 08251.
Township of Middle .....	Middle Township Construction Office, 10 South Boyd Street, Cape May Court House, NJ 08210.
Township of Upper .....	Upper Township Engineering Office, 2100 Tuckahoe Road, Petersburg, NJ 08270.

#### Cumberland County, New Jersey (All Jurisdictions)

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Shiloh .....	Clerk's Office, 900 Main Street, Shiloh, NJ 08353.
City of Bridgeton .....	Construction Code Office, 181 East Commerce Street, Bridgeton, NJ 08302.
City of Millville .....	Clerk's Office, 12 South High Street, Millville, NJ 08332.
City of Vineland .....	Planning Department, 640 East Wood Street, Vineland, NJ 08360.
Township of Commercial .....	Commercial Township Code Enforcement Office, 1768 Main Street, Port Norris, NJ 08349.
Township of Deerfield .....	Deerfield Township Hall, 736 Landis Avenue, Rosenhayn, NJ 08352.
Township of Downe .....	Downe Township Hall, 288 Main Street, Newport, NJ 08345.
Township of Fairfield .....	Fairfield Township Construction Office, 70 Fairton Gouldtown Road, Fairton, NJ 08320.
Township of Greenwich .....	Emergency Management Building, 1000 Ye Greate Street, Greenwich, NJ 08323.

Community	Community map repository address
Township of Hopewell .....	Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, NJ 08302.
Township of Lawrence .....	Lawrence Township Construction Code Office, 357 Main Street, Cedarville, NJ 08311.
Township of Maurice River .....	Maurice River Township Construction and Zoning Office, 590 Main Street, Leesburg, NJ 08327.
Township of Stow Creek .....	Stow Creek Township Clerk's Office, 900 Main Street, Shiloh, NJ 08353.
Township of Upper Deerfield .....	Upper Deerfield Township Clerk's Office, 1325 Highway 77, Seabrook, NJ 08302.

**Essex County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of North Caldwell .....	Borough Hall, 141 Gould Avenue, North Caldwell, NJ 07006.
City of Newark .....	Office of the City Clerk, 920 Broad Street, Newark, NJ 07102.
Township of Belleville .....	Engineering Office, 152 Washington Avenue, Belleville, NJ 07109.
Township of Bloomfield .....	Municipal Building, 1 Municipal Plaza, Bloomfield, NJ 07003.
Township of Fairfield .....	Engineering Department, 230 Fairfield Road, Fairfield, NJ 07004.
Township of Montclair .....	Planning Department, 205 Claremont Avenue, Montclair, NJ 07042.
Township of Nutley .....	Township Hall, 1 Kennedy Drive, Nutley, NJ 07110.
Township of West Caldwell .....	Municipal Building, 30 Clinton Road, West Caldwell, NJ 07006.

**Hudson County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of East Newark .....	Building Department, 34 Sherman Avenue, 2nd Floor, East Newark, NJ 07029.
City of Bayonne .....	Municipal Building Department, 630 Avenue C, Room 13, Bayonne, NJ 07002.
City of Hoboken .....	Zoning Office, 94 Washington Street, Hoboken, NJ 07030.
City of Jersey City .....	Construction Code Official's Office, 30 Montgomery Street, Room 412, Jersey City, NJ 07302.
City of Union City .....	City Clerk's Office, 3715 Palisade Avenue, Union City, NJ 07087.
Town of Guttenberg .....	Construction Official's Office, 6808 Park Avenue, Guttenberg, NJ 07093.
Town of Harrison .....	Engineer's Office, 318 Harrison Avenue, Harrison, NJ 07029.
Town of Kearny .....	Building Department, 410 Kearny Avenue, Kearny, NJ 07032.
Town of Secaucus .....	Town Hall, 1203 Paterson Plank Road, 4th Floor, Secaucus, NJ 07094.
Town of West New York .....	Town Hall, Office of Emergency Management Director's Office, 428 60th Street, West New York, NJ 07093.
Township of North Bergen .....	Township of North Bergen, Boswell Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606.
Township of Weehawken .....	Town Hall, 400 Park Avenue, Weehawken, NJ 07086.

**Middlesex County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Carteret .....	Memorial Municipal Building, 61 Cooke Avenue, Carteret, NJ 07008.
Borough of Highland Park .....	Municipal Building, Clerk's Office, 221 South Fifth Avenue, Highland Park, NJ 08904.
Borough of Middlesex .....	Municipal Building, Construction Department, 1200 Mountain Avenue, Middlesex, NJ 08846.
Borough of Sayreville .....	Construction Office, 49 Dolan Street, Sayreville, NJ 08872.
Borough of South River .....	Municipal Offices, 48 Washington Street, South River, NJ 08882.
Borough of Spotswood .....	Municipal Building, 77 Summerhill Road, Spotswood, NJ 08884.
City of New Brunswick .....	Civic Square, Engineering Department, 25 Kirkpatrick Street, New Brunswick, NJ 08901.
City of Perth Amboy .....	Code Enforcement Department, 375 New Brunswick Avenue, Perth Amboy, NJ 08861.
City of South Amboy .....	City of South Amboy, Center State Engineering, 481 Spotswood Englishtown Road, Monroe Township, NJ 08831.
Township of East Brunswick .....	Municipal Building, 1 Jean Walling Civic Center Drive, East Brunswick, NJ 08816.
Township of Edison .....	Municipal Complex, Engineering Department, 100 Municipal Boulevard, 2nd Floor, Edison, NJ 08817.
Township of Monroe .....	Center State Engineering, 481 Spotswood Englishtown Road, Monroe Township, NJ 08831.
Township of Old Bridge .....	Municipal Building, Engineering Department, 1 Old Bridge Plaza, Old Bridge, NJ 08857.
Township of Piscataway .....	Public Works Building, Community Development Department, 505 Sidney Road, Piscataway, NJ 08854.

Community	Community map repository address
Township of Woodbridge .....	Municipal Building, Engineering Department, 1 Main Street, Woodbridge, NJ 07095.

**Monmouth County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Allenhurst .....	Borough Hall, 125 Corlies Avenue, Allenhurst, NJ 07711.
Borough of Atlantic Highlands .....	Borough Hall, 100 First Avenue, Atlantic Highlands, NJ 07716.
Borough of Avon-by-the-Sea .....	Municipal Building, 301 Main Street, Avon-By-The-Sea, NJ 07717.
Borough of Belmar .....	Borough Hall, 601 Main Street, Belmar, NJ 07719.
Borough of Bradley Beach .....	Municipal Building, 701 Main Street, Bradley Beach, NJ 07720.
Borough of Brielle .....	Borough Hall, 601 Union Lane, Brielle, NJ 08730.
Borough of Deal .....	Borough Hall, 190 Norwood Avenue, Deal, NJ 07723.
Borough of Eatontown .....	Building Department, 47 Broad Street, Eatontown, NJ 07724.
Borough of Fair Haven .....	Borough Hall, 748 River Road, Fair Haven, NJ 07704.
Borough of Highlands .....	Municipal Office, 42 Shore Drive, Highlands, NJ 07732.
Borough of Interlaken .....	Borough Hall, 100 Grasmere Avenue, Interlaken, NJ 07712.
Borough of Keansburg .....	Municipal Building, Code Office, 29 Church Street, Keansburg, NJ 07734.
Borough of Keyport .....	Borough Hall, Administration Office, 2nd Floor, 70 West Front Street, Keyport, NJ 07735.
Borough of Lake Como .....	Borough Hall, 1740 Main Street, Lake Como, NJ 07719.
Borough of Little Silver .....	Borough Hall, Clerk's Office, 480 Prospect Avenue, Little Silver, NJ 07739.
Borough of Manasquan .....	Borough Hall, Building and Construction Code Department, 201 East Main Street, Manasquan, NJ 08736.
Borough of Matawan .....	Borough Hall, 201 Broad Street, Matawan, NJ 07747.
Borough of Monmouth Beach .....	Borough Hall, 22 Beach Road, Monmouth Beach, NJ 07750.
Borough of Neptune City .....	Borough Hall, 106 West Sylvania Avenue, Neptune City, NJ 07753.
Borough of Oceanport .....	Old Borough Hall, Building and Zoning Department, 222 Monmouth Boulevard, Oceanport, NJ 07757.
Borough of Red Bank .....	Borough Hall, Planning and Zoning Department, 3rd Floor, 90 Monmouth Street, Red Bank, NJ 07701.
Borough of Rumson .....	Municipal Building, Zoning Department, 80 East River Road, Rumson, NJ 07760.
Borough of Sea Bright .....	Borough Hall, 1167 Ocean Avenue, Sea Bright, NJ 07760.
Borough of Sea Girt .....	Borough Hall, 321 Baltimore Boulevard, Sea Girt, NJ 08750.
Borough of Shrewsbury .....	Borough Municipal Complex, 419 Sycamore Avenue, Shrewsbury, NJ 07702.
Borough of Spring Lake .....	Borough Hall, Construction Department, 423 Warren Avenue, Spring Lake, NJ 07762.
Borough of Spring Lake Heights .....	Municipal Building, 555 Brighton Avenue, Spring Lake Heights, NJ 07762.
Borough of Tinton Falls .....	Municipal Building, Zoning Office, 556 Tinton Avenue, Tinton Falls, NJ 07724.
Borough of Union Beach .....	Borough Hall, Construction Office, 1205 Florence Avenue, Union Beach, NJ 07735.
City of Asbury Park .....	Construction Department, 1 Municipal Plaza, Asbury Park, NJ 07712.
City of Long Branch .....	City Hall, 2nd Floor, 344 Broadway, Long Branch, NJ 07740.
Township of Aberdeen .....	Department of Zoning, 1 Aberdeen Square, Aberdeen, NJ 07747.
Township of Hazlet .....	Municipal Building, Construction Department, 1766 Union Avenue, Hazlet, NJ 07730.
Township of Holmdel .....	Municipal Building, Zoning Office, 4 Crawford's Corner Road, Holmdel, NJ 07733.
Township of Middletown .....	Johnson Gill Annex, Building Department, 1 Kings Highway, Middletown, NJ 07748.
Township of Neptune .....	Township Hall, Construction Department, 25 Neptune Boulevard, Neptune, NJ 07753.
Township of Ocean .....	Ocean Township Hall, Department of Community Development, 399 Monmouth Road, Oakhurst, NJ 07755.
Township of Wall .....	Municipal Building, Construction Department, 2700 Allaire Road, Wall, NJ 07719.
Village of Loch Arbour .....	Village Office, 550 Main Street, Loch Arbour, NJ 07711.

**Ocean County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Barnegat Light .....	Municipal Building, 10 East 7th Street, Barnegat Light, NJ 08006.
Borough of Bay Head .....	Municipal Office, 106 Bridge Avenue, Bay Head, NJ 08742.
Borough of Beach Haven .....	Borough Hall, 420 Pelham Avenue, Beach Haven, NJ 08008.
Borough of Beachwood .....	Municipal Complex, 1600 Pinewald Road, Beachwood, NJ 08722.
Borough of Harvey Cedars .....	Borough Hall, 7606 Long Beach Boulevard, Harvey Cedars, NJ 08008.

Community	Community map repository address
Borough of Island Heights .....	Borough Hall, 1 Wanamaker Municipal Complex, Island Heights, NJ 08732.
Borough of Lavallette .....	Trailer 2, Lavallette Fire House Parking Lot, 125 Washington Avenue, Lavallette, NJ 08753.
Borough of Mantoloking .....	Mantoloking Borough Hall, Yogi Plaza, 340 Drum Point Road, 2nd Floor, Brick, NJ 08723.
Borough of Ocean Gate .....	Municipal Building, 801 Ocean Gate Avenue, Ocean Gate, NJ 08740.
Borough of Pine Beach .....	Municipal Building, 599 Pennsylvania Avenue, Pine Beach, NJ 08741.
Borough of Point Pleasant .....	Borough Hall, 2233 Bridge Avenue, Point Pleasant, NJ 08742.
Borough of Point Pleasant Beach .....	Municipal Building, 416 New Jersey Avenue, Point Pleasant Beach, NJ 08742.
Borough of Seaside Heights .....	Municipal Building, 901 Boulevard, Seaside Heights, NJ 08751.
Borough of Seaside Park .....	Borough Hall, 1701 North Ocean Avenue, Seaside Park, NJ 08752.
Borough of Ship Bottom .....	Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, NJ 08008.
Borough of South Toms River .....	Municipal Building, 144 Mill Street, South Toms River, NJ 08757.
Borough of Surf City .....	Municipal Building, 813 Long Beach Boulevard, Surf City, NJ 08008.
Borough of Tuckerton .....	Borough Hall, 420 East Main Street, Tuckerton, NJ 08087.
Township of Barnegat .....	Municipal Building, 900 West Bay Avenue, Barnegat, NJ 08005.
Township of Berkeley .....	Berkeley Township Hall, 627 Pinewald-Keswick Road, Bayville, NJ 08721.
Township of Brick .....	Township Municipal Complex, 401 Chambersbridge Road, Brick, NJ 08723.
Township of Eagleswood .....	Eagleswood Township Hall, 146 Division Street, West Creek, NJ 08092.
Township of Lacey .....	Lacey Township Municipal Building, 818 West Lacey Road, Forked River, NJ 08731.
Township of Lakewood .....	Municipal Building, 231 Third Street, Lakewood, NJ 08701.
Township of Little Egg Harbor .....	Administrative Justice Complex, 665 Radio Road, Little Egg Harbor, NJ 08087.
Township of Long Beach .....	Long Beach Township Building Department, 6805 Long Beach Boulevard, Brant Beach, NJ 08008.
Township of Manchester .....	Municipal Building, 1 Colonial Drive, Manchester, NJ 08759.
Township of Ocean .....	Ocean Township Construction and Zoning Office, 50 Railroad Avenue, Waretown, NJ 08758.
Township of Stafford .....	Stafford Township Municipal Building, 260 East Bay Avenue, Manahawkin, NJ 08050.
Township of Toms River .....	Township Engineer's Office, 33 Washington Street, Toms River, NJ 08753.

**Salem County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

Borough of Elmer .....	Borough Hall, 120 South Main Street, Elmer, NJ 08318.
Borough of Penns Grove .....	Borough Hall, 1 State Street, Penns Grove, NJ 08069.
Borough of Woodstown .....	25 West Avenue, Woodstown, NJ 08098.
City of Salem .....	17 New Market Street, Salem, NJ 08079.
Township of Alloway .....	49 South Greenwich Street, Alloway, NJ 08001.
Township of Carneys Point .....	303 Harding Highway, Carneys Point, NJ 08069.
Township of Elsinboro .....	Elsinboro Township Municipal Building, 619 Salem Fort-Elfsborg Road, Salem, NJ 08079.
Township of Lower Alloways Creek .....	Township of Lower Alloways Creek, 501 Locust Island Road, Hancock's Bridge, NJ 08038.
Township of Mannington .....	Town Hall, 491 Route 45, Mannington, NJ 08079.
Township of Oldmans .....	Township of Oldmans, Pedricktown Hall, 40 Freed Road, Pedricktown, NJ 08067.
Township of Pennsville .....	Town Hall, 90 North Broadway, Pennsville, NJ 08070.
Township of Pilesgrove .....	Municipal Building, 1180 Route 40, East, Pilesgrove, NJ 08098.
Township of Pittsgrove .....	Municipal Building, 989 Centerton Road, Pittsgrove, NJ 08318.
Township of Quinton .....	Municipal Building, 885 Quinton Road, Quinton, NJ 08072.
Township of Upper Pittsgrove .....	Township of Upper Pittsgrove, 431 Route 77, Elmer, NJ 08318.

**Union County, New Jersey (All Jurisdictions)**

Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

City of Elizabeth .....	Construction Department, Room 401, 50 Winfield Scott Plaza, Elizabeth, NJ 07201.
City of Linden .....	Municipal Building, 301 North Wood Avenue, Linden, NJ 07036.
City of Rahway .....	Office of Engineering, 1 City Hall Plaza, Rahway, NJ 07065.

Community	Community map repository address
<b>City of New York, New York</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a>	
City of New York .....	Department of City Planning, Waterfront Division, 22 Reade Street, New York, NY 10007.
City of New York (Bronx County) .....	New York City Department of Buildings, Bronx Borough Office, 1932 Arthur Avenue, 5th Floor, Bronx, NY 10457.
City of New York (Kings County) .....	New York City Department of Buildings, Brooklyn Borough Office, 210 Joralemon Street, 8th Floor, Brooklyn, NY 11201.
City of New York (New York County).. ..	Department of Buildings, Manhattan Borough Office, 280 Broadway, 3rd Floor, New York, NY 10007.
City of New York (Queens County) .....	New York City Department of Buildings, Queens Borough Office, 120–55 Queen Boulevard, 1st Floor, Kew Gardens, NY 11424.
City of New York (Richmond County).. ..	New York City Department of Buildings, Staten Island Borough Office, 10 Richmond Terrace, Borough Hall, 2nd Floor, Staten Island, NY 10301.

**Westchester County, New York (All Jurisdictions)**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

City of Mount Vernon .....	Public Works Department, 1 Roosevelt Square, Room 108, Mount Vernon, NY 10550.
City of New Rochelle .....	Clerk's Office, 515 North Avenue, New Rochelle, NY 10801.
City of Peekskill .....	Building and Engineering Department, 840 Main Street, Peekskill, NY 10566.
City of Rye .....	Building Department, 1051 Boston Post Road, Rye, NY 10580.
City of Yonkers .....	Engineering Department, 40 South Broadway, Yonkers, NY 10701.
Town of Cortlandt .....	Cortlandt Town Clerk's Office, 1 Heady Street, Cortlandt Manor, NY 10567.
Town of Harrison .....	Engineering Department, 1 Heineman Place, Harrison, NY 10528.
Town of Mamaroneck .....	Town Center, 740 West Boston Post Road, Mamaroneck, NY 10543.
Town of Mount Pleasant .....	Mount Pleasant Town Engineering Department, One Town Hall Plaza, 3rd Floor, Valhalla, NY 10595.
Town of New Castle .....	New Castle Town Building Department, 200 South Greeley Avenue, Chappaqua, NY 10514.
Town of Ossining .....	Building Department, 16 Croton Avenue, Ossining, NY 10562.
Village of Briarcliff Manor .....	Village Hall, 1111 Pleasantville Road, Briarcliff Manor, NY 10510.
Village of Buchanan .....	Municipal Building, 236 Tate Avenue, Buchanan, NY 10511.
Village of Croton-on-Hudson .....	Engineering Department, 1 Van Wyck Street, Croton-on-Hudson, NY 10520.
Village of Dobbs Ferry .....	Village Hall, 112 Main Street, Dobbs Ferry, NY 10522.
Village of Hastings-on-Hudson .....	Village Hall, 7 Maple Avenue, Hastings-on-Hudson, NY 10706.
Village of Irvington .....	Building Department, 85 Main Street, Irvington, NY 10533.
Village of Larchmont .....	Building Department, 120 Larchmont Avenue, Larchmont, NY 10538.
Village of Mamaroneck .....	Building Department, 169 Mount Pleasant Avenue, Mamaroneck, NY 10543.
Village of Ossining .....	Building Department, 16 Croton Avenue, Ossining, NY 10562.
Village of Pelham .....	Village Hall, 195 Sparks Avenue, Pelham, NY 10803.
Village of Pelham Manor .....	Village Hall, 4 Penfield Place, Pelham Manor, NY 10803.
Village of Port Chester .....	Building Department, 222 Grace Church Street, Port Chester, NY 10573.
Village of Sleepy Hollow .....	Building Department, 28 Beekman Avenue, Sleepy Hollow, NY 10591.
Village of Tarrytown .....	Building and Engineering Department, One Depot Plaza, Tarrytown, NY 10591.

**Collin County, Texas, and Incorporated Areas**Maps Available for Inspection Online at: <http://www.fema.gov/preliminaryfloodhazarddata>

City of Plano .....	City Hall, Engineering Department, 1520 Avenue K, Plano, TX 75074.
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**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency**

[Docket No. FEMA-2015-0001; Internal Agency Docket No. FEMA-B-1352]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On December 23, 2013, the Federal Emergency Management Agency (FEMA) published in the **Federal Register** a proposed flood hazard determination notice that included information for the Town of South Bethany in the table titled "Sussex County, Delaware, and Incorporated Areas". FEMA is no longer proposing these flood hazard determination changes for the Town of South Bethany as identified in the above-referenced publication.

**DATES:** Comments are to be submitted on or before April 15, 2015.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1352, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are

used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

**Correction**

In the proposed flood hazard determination notice published at 78 FR 77482, in the December 23, 2013, issue of the **Federal Register**, FEMA published a table titled "Sussex County, Delaware, and Incorporated Areas". This table included the Town of South Bethany as one of the communities for which flood hazard changes were being proposed. FEMA is no longer proposing these flood hazard determination changes for the Town of South Bethany as identified in the above-referenced publication.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: February 23, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2015-05840 Filed 3-13-15; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency**

[Docket ID FEMA-2015-0001; Internal Agency Docket No. FEMA-B-1504]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain

management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

**DATES:** Comments are to be submitted on or before June 15, 2015.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1504, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

The watersheds and/or communities affected are listed in the tables below.

The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: February 23, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

Community	Community map repository address
<b>Bergen County, New Jersey (All Jurisdictions)</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a>	
Borough of Allendale .....	Borough Hall, 500 West Crescent Avenue, Allendale, NJ 07401.
Borough of Bergenfield .....	Borough Hall, 198 North Washington Avenue, Bergenfield, NJ 07621.
Borough of Bogota .....	Borough Hall, 375 Larch Avenue, Bogota, NJ 07603.
Borough of Carlstadt .....	Borough Hall, 500 Madison Street, Carlstadt, NJ 07072.
Borough of Closter .....	Borough Hall, 295 Old Closter Dock Road, Closter, NJ 07624.
Borough of East Rutherford .....	Borough Hall, 1 Everett Place, East Rutherford, NJ 07073.
Borough of Edgewater .....	Borough Hall, 55 River Road, Edgewater, NJ 07020.
Borough of Elmwood Park .....	Municipal Building, 182 Market Street, Elmwood Park, NJ 07407.
Borough of Emerson .....	Borough Hall, 146 Linwood Avenue, Emerson, NJ 07630.
Borough of Fair Lawn .....	Borough Hall, 8-01 Fair Lawn Avenue, Fair Lawn, NJ 07410.
Borough of Fairview .....	Borough Hall, 59 Anderson Avenue, Fairview, NJ 07022.
Borough of Franklin Lakes .....	Borough Hall, 480 De Korte Drive, Franklin Lakes, NJ 07417.
Borough of Glen Rock .....	Municipal Building, 1 Harding Plaza, Glen Rock, NJ 07452.
Borough of Harrington Park .....	Borough Hall, 85 Harriot Avenue, Harrington Park, NJ 07640.
Borough of Hasbrouck Heights .....	Municipal Building, 320 Boulevard, Hasbrouck Heights, NJ 07604.
Borough of Haworth .....	Borough Hall, 300 Haworth Avenue, Haworth, NJ 07641.
Borough of Hillsdale .....	Borough Hall, 380 Hillsdale Avenue, Hillsdale, NJ 07642.
Borough of Ho-Ho-Kus .....	Borough Hall, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423.
Borough of Leonia .....	Borough Hall, 312 Broad Avenue, Leonia, NJ 07605.
Borough of Little Ferry .....	Borough Hall, 215-217 Liberty Street, Little Ferry, NJ 07643.
Borough of Lodi .....	Borough Hall, One Memorial Drive, Lodi, NJ 07644.
Borough of Maywood .....	Municipal Building, 15 Park Avenue, Maywood, NJ 07607.
Borough of Montvale .....	Borough Hall, 12 Mercedes Drive, Montvale, NJ 07645.
Borough of Moonachie .....	Municipal Building, 70 Moonachie Road, Moonachie, NJ 07074.
Borough of New Milford .....	Borough Hall, 930 River Road, New Milford, NJ 07646.
Borough of North Arlington .....	Borough Hall, 214 Ridge Road, North Arlington, NJ 07031.
Borough of Northvale .....	Borough Hall, 116 Paris Avenue, Northvale, NJ 07647.
Borough of Norwood .....	Borough Hall, 455 Broadway, Norwood, NJ 07648.
Borough of Oakland .....	Borough Hall, One Municipal Plaza, Oakland, NJ 07436.
Borough of Old Tappan .....	Borough Hall, 227 Old Tappan Road, Old Tappan, NJ 07675.
Borough of Oradell .....	Borough Hall, 355 Kinderkamack Road, Oradell, NJ 07649.
Borough of Palisades Park .....	Borough Hall, 275 Broad Avenue, Palisades Park, NJ 07650.
Borough of Paramus .....	Borough Hall, 1 Jockish Square, Paramus, NJ 07652.
Borough of Park Ridge .....	Borough Hall, 55 Park Avenue, Park Ridge, NJ 07656.
Borough of Ramsey .....	Borough Hall, 33 North Central Avenue, Ramsey, NJ 07446.
Borough of Ridgefield .....	Borough Hall, 604 Broad Avenue, Ridgefield, NJ 07657.
Borough of River Edge .....	Borough Hall, 705 Kinderkamack Road, River Edge, NJ 07661.
Borough of Rutherford .....	Borough Hall, 176 Park Avenue, Rutherford, NJ 07070.
Borough of Saddle River .....	Borough Hall, 100 East Allendale Road, Saddle River, NJ 07458.
Borough of Tenafly .....	Municipal Center, 100 Riveredge Road, Tenafly, NJ 07670.
Borough of Teterboro .....	Municipal Building, 510 Route 46 West, Teterboro, NJ 07608.
Borough of Upper Saddle River .....	Borough Hall, 376 West Saddle River Road, Upper Saddle River, NJ 07458.
Borough of Waldwick .....	Borough Hall, 63 Franklin Turnpike, Waldwick, NJ 07463.
Borough of Wallington .....	Municipal Building, 54 Union Boulevard, Wallington, NJ 07057.
Borough of Westwood .....	Borough Hall, 101 Washington Avenue, Westwood, NJ 07675.
Borough of Woodcliff Lake .....	Municipal Building, 188 Pascack Road, Woodcliff Lake, NJ 07677.



Community	Community map repository address
Borough of Wood-Ridge .....	Municipal Building, 85 Humboldt Street, Wood-Ridge, NJ 07075.
City of Englewood .....	City Hall, 2–10 North Van Brunt Street, Englewood, NJ 07631.
City of Garfield .....	City Hall, 111 Outwater Lane, Garfield, NJ 07026.
City of Hackensack .....	City Hall, 65 Central Avenue, Hackensack, NJ 07601.
New Jersey Meadowlands Commission .....	Administrative Offices, 1 DeKorte Park Plaza, Lyndhurst, NJ 07071.
Palisades Interstate Park Commission .....	Administrative Offices, New Jersey Section, 1 Alpine Approach Road, Alpine, NJ 07620.
Township of Lyndhurst .....	Town Hall, 367 Valley Brook Avenue, Lyndhurst, NJ 07071.
Township of Mahwah .....	Municipal Building, 475 Corporate Drive, Mahwah, NJ 07430.
Township of River Vale .....	Township Office, 406 River Vale Road, River Vale, NJ 07675.
Township of Rochelle Park .....	Town Hall, 151 West Passaic Street, Rochelle Park, NJ 07662.
Township of Saddle Brook .....	Town Hall, 93 Market Street, Saddle Brook, NJ 07663.
Township of South Hackensack .....	Town Hall, 227 Phillips Avenue, South Hackensack, NJ 07606.
Township of Teaneck .....	Municipal Building, 818 Teaneck Road, Teaneck, NJ 07666.
Township of Wyckoff .....	Memorial Town Hall, 340 Franklin Avenue, Scott Plaza, Wyckoff, NJ 07481.
Village of Ridgefield Park .....	Village Hall, 232–234 Main Street, Ridgefield Park, NJ 07660.
Village of Ridgewood .....	Village Hall, 131 North Maple Avenue, Ridgewood, NJ 07451.
<b>City of Norfolk, Virginia (Independent City)</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a>	
City of Norfolk .....	Zoning Enforcement Office, 508 City Hall Building, 810 Union Street, Norfolk, VA 23510.

[FR Doc. 2015–05834 Filed 3–13–15; 8:45 am]

BILLING CODE 9110–12–P

**DEPARTMENT OF HOMELAND SECURITY****U.S. Customs and Border Protection**

[1651–0031]

**Agency Information Collection Activities: Foreign Assembler's Declaration**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; Extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Foreign Assembler's Declaration (with Endorsement by Importer). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours, but no changes to the information collected. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before April 15, 2015 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov) or faxed to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** (79 FR 77021) on December 23, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection

of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Foreign Assembler's Declaration (with Endorsement by Importer).

*OMB Number:* 1651–0031.

*Abstract:* In accordance with 19 CFR 10.24, a Foreign Assembler's Declaration must be made in connection with the entry of assembled articles under subheading 9802.00.80, Harmonized Tariff Schedule of the United States (HTSUS). This declaration includes information such as the quantity, value and description of the imported merchandise. The declaration is made by the person who performed the assembly operations abroad and it includes an endorsement by the importer. The Foreign Assembler's Declaration is used by CBP to determine whether the operations performed are within the purview of subheading 9802.00.80, HTSUS and therefore eligible for preferential tariff treatment.

19 CFR 10.24(c) and (d) require that the importer/assembler maintain

records for 5 years from the date of the related entry and that they make these records readily available to CBP for audit, inspection, copying, and reproduction. Instructions for complying with this regulation are posted on the CBP.gov Web site at: <http://www.cbp.gov/trade/trade-community/outreach-programs/trade-agreements/nafta/repairs-alterations/subchpt-9802>.

**Action:** CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses.

**Estimated Number of Respondents/Recordkeepers:** 2,730.

**Estimated Time per Response/Recordkeeping:** 55 minutes.

**Estimated Number of Responses/Recordkeeping per Respondent:** 128.

**Estimated Total Annual Burden Hours:** 320,087.

Dated: March 9, 2015.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2015-05761 Filed 3-13-15; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-17722;  
PPWOCRADNO-PCU00RP14.R50000]

### Notice of Inventory Completion: Columbia University, Department of Anthropology, New York, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Columbia University, Department of Anthropology, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Columbia University. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe or Native Hawaiian organization

not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Columbia University at the address in this notice by April 15, 2015.

**ADDRESSES:** Dr. Nan Rothschild, Department of Anthropology, Columbia University, 1200 Amsterdam Ave., New York, NY 10027, telephone (212) 854-4977, email [roth@columbia.edu](mailto:roth@columbia.edu).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Columbia University. The human remains were removed from Okiedan Butte, Ransom County, ND.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### Consultation

A detailed assessment of the human remains was made by the Columbia University, Department of Anthropology, professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Cheyenne River Sioux Tribe of the Cheyenne River Sioux Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe, South Dakota (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North & South Dakota Three Affiliated Tribes of Fort Berthold Reservation, North Dakota; and the Yankton Sioux Tribe of South Dakota (hereafter listed as "The Tribes").

### History and Description of the Remains

In 1938, human remains representing, at minimum, three individuals were removed from Okiedan Butte in Ransom County, ND. The excavation was led by William Duncan Strong and jointly sponsored by Columbia University and the State Historical Society of North Dakota. Strong brought the human remains to the American Museum of Natural History (AMNH) where they were placed on "permanent loan." In January 2002, a detailed assessment of the human remains was made by researchers at Columbia University and in August 2011, the AMNH transferred the human remains to the Department of Anthropology at Columbia University. Three fragmentary skulls, representing two adults and one child were identified. These individuals have been identified as Native American based on Strong's documentation and non-invasive assessment of cranial features. No known individuals were identified. No associated funerary objects are present.

Strong's field notes (National Anthropological Archives, Strong Papers, Box 21, Field Work 1938) refer to excavations at Mound #1 at Okiedan Buttes (sic) on July 28, 1938. Strong's notes are interspersed with that of another writer with the signature of C. Smith. Carlyle S. Smith was a graduate student at Columbia and a member of this team, however it is Smith's name that appears on field tags associated with these remains. The field designations, A, B, and C, correspond with the numbers in Strong's 1938 field notes referring to burials from "Okiedan Butte, Mound #1." According to Dr. Douglas Owsley (NMNH), who examined these remains in 2003, bone preservation suggests a Late Woodland date or later, possibly A.D. 900-1400.

### Determinations Made by Columbia University, Department of Anthropology

Officials of Columbia University, Department of Anthropology, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Strong's documentation and non-invasive assessment of cranial features.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of The Tribes.

- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of The Tribes.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

#### Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Nan Rothschild, Department of Anthropology, Columbia University, 1200 Amsterdam Ave., New York, NY 10027, telephone (212) 854-4977, email [roth@columbia.edu](mailto:roth@columbia.edu), by April 15, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Columbia University, Department of Anthropology, is responsible for The Tribes that this notice has been published.

Dated: February 23, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05981 Filed 3-13-15; 8:45 am]

**BILLING CODE 4310-50-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-IMR-YELL-17104; PPWONRADE2, PMP00E105.YP0000, 15XP103905]

### Environmental Impact Statement for a Management Plan for Yellowstone-Area Bison

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The National Park Service (NPS) and the State of Montana (State) are serving as joint lead agencies in the preparation of an Environmental Impact Statement (EIS) for a plan to manage a wild and migratory population of Yellowstone-area bison, while minimizing brucellosis transmission between these wild bison and livestock to the extent practicable.

**DATES:** Interested individuals, organizations, and agencies are

encouraged to provide written comments regarding the scope of issues and alternatives to be addressed in the EIS. The NPS and the State request that comments be submitted within the 90-day comment period, which begins on the date this Notice of Intent is published in the **Federal Register**. A 90-day comment period has been established to maximize the opportunity for agencies, members of the public and stakeholders to submit comments for consideration in this planning effort. The NPS and State intend to hold public scoping meetings on the EIS within the 90-day comment period. Specific dates, times and locations of the public scoping meetings will be made available via a joint press release to local media, a public scoping brochure to be mailed or emailed to interested parties and on the NPS's Planning, Environment and Public Comment (PEPC) Web site at <http://parkplanning.nps.gov/YellBisonPlan>. The NPS and State will provide additional opportunities for the public to offer written comments upon publication of the draft plan/EIS.

**ADDRESSES:** Information, including a copy of the public scoping brochure, will be available for public review online at <http://parkplanning.nps.gov/YellBisonPlan>. Limited copies of the brochure will also be available in the Mailroom at the park's Administration Building in Mammoth Hot Springs, Yellowstone National Park, WY and by request.

**SUPPLEMENTARY INFORMATION:** Bison are currently managed under the 2000 Interagency Bison Management Plan (IBMP) and subsequent adaptive management adjustments (Information available at [www.ibmp.info](http://www.ibmp.info)). Because of new information and changed conditions since the 2000 IBMP, a new plan is being prepared, along with an environmental impact statement (EIS), pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). The purpose of the new plan/EIS is to conserve a wild and migratory population of Yellowstone-area bison, while minimizing brucellosis transmission between these wild bison and livestock to the extent practicable.

The NPS will exercise decision-making authority on the EIS and its associated Record of Decision (ROD) for NPS actions within the boundary of Yellowstone National Park, and the State will exercise decision-making authority on the EIS and its associated ROD for actions on lands in Montana outside the park's boundary for which the State has jurisdiction. The NPS and State will continue to implement the 2000 IBMP, as adjusted, within and

outside Yellowstone National Park through coordination with the other IBMP partners until a new decision is made through this planning process.

The following range of preliminary draft alternative concepts has been developed for review and comment. The alternative concepts and management tools under consideration may change based upon input received during public scoping and throughout the development of the plan/EIS.

- **Alternative 1 (No-Action Alternative)** would continue implementation of the 2000 IBMP, as adjusted. As part of the existing IBMP, this alternative focuses on reducing the risk of brucellosis transmission from bison to cattle by managing bison that leave Yellowstone National Park and enter the State of Montana. It also seeks to maintain Montana's brucellosis-free status for domestic livestock. The population guideline for Yellowstone-area bison in the 2000 IBMP and under this alternative is 3,000 animals.

- **Alternative 2 (Minimize Human Intervention)** would prioritize bison conservation and minimize human intervention in the management of Yellowstone-area bison. Bison abundance would primarily be regulated through public and treaty hunting on lands outside of the park in Montana, and natural processes. The maximum population limit of bison under this alternative would be based on estimates of food-limited carrying capacity (~7,500 bison). Other wildlife management tools, such as habitat enhancement, could also be implemented. The risk of brucellosis transmission from bison to cattle would be managed through physical separation and limited hazing of bison back into the park. However, there would be no spring haze-back date for bison to be returned to the park. There would be no disease suppression efforts or research to improve suppression techniques in wildlife.

- **Alternative 3 (Limit Bison Migration into Montana)** would focus on maintaining bison numbers below 3,000 animals, the level at which large migrations would likely occur during winter months, thus limiting the number of bison that migrate out of the park and into the State of Montana. Brucellosis transmission would be minimized through population control, separation of bison and cattle and hazing of bison back into the park. In spring, bison would be hazed back into the park by May 1 along the northern park boundary and May 15 along the western park boundary. Public and treaty hunting would occur outside of the park. No brucellosis disease

suppression actions for wildlife would be implemented, but research would be conducted to investigate future disease suppression tools for cattle and wildlife.

- **Alternative 4 (Suppress Brucellosis Transmission)** would prioritize the prevention of brucellosis transmission between bison and livestock through a variety of tools, including disease suppression techniques, as practicable. Suppression tools may include capturing bison at facilities inside or outside Yellowstone National Park, culling of likely infectious bison, vaccination of bison at capture facilities, sterilization of bison before shipment to terminal pastures and adjusting land use by cattle. The population guideline for Yellowstone-area bison under this alternative would be 3,000 animals and would include specific tolerance thresholds north and west of the park in the State of Montana. Bison outside of the park on adjacent lands in Montana would be managed within an established boundary to minimize disease transmission, while also considering private property and public safety concerns. Public and treaty hunting would occur outside of the park.

- **Alternative 5 (Tolerance in Montana Linked to Overall Bison Abundance)** would seek to expand bison tolerance north and west of the park year-round within specific geographic boundaries (*e.g.* within the Gardiner Basin and up to the Taylor Fork drainage). The current interagency bison population management guideline of 3,000 bison would be maintained. Tolerance thresholds for bison outside of the park in the State of Montana would depend on the overall number of bison in the population, with tolerance for bison in Montana increasing as the population approaches the population guideline. There would be no haze-back dates, but the agencies would adhere to all other existing procedures in the 2000 IBMP, as adjusted. Other wildlife management tools, such as those used to manage other wildlife species (*e.g.*, habitat enhancement), could be implemented. Public and treaty hunting would occur outside of the park. No brucellosis disease suppression actions for wildlife would be implemented, but research would be conducted to investigate future disease suppression tools for cattle and wildlife.

- **Alternative 6 (Balance Bison Conservation and Brucellosis Transmission Risk)** would allow for the total bison population to vary over time within a defined range (Objective = 2,500–4,500 bison) and would also establish specific tolerance thresholds north and west of the park in the State

of Montana. Habitat enhancement, longer tolerance in spring, or year-round tolerance for some bison in Montana could be implemented under this alternative. Tools such as hazing, public and treaty hunting and culling near the park boundary would be used to regulate population size and distribution, minimize brucellosis transmission from bison to cattle and protect property and human safety. No brucellosis disease suppression actions for wildlife would be implemented, but research would be conducted to investigate future disease suppression tools for cattle and wildlife.

Under any proposed action alternative, the following would be implemented: (1) Yellowstone bison would be managed as wildlife in the park and within defined management areas in Montana, (2) public and treaty hunting of bison would occur outside of the park in Montana, (3) bison management actions would be implemented to protect private property and human safety, (4) a public engagement program would be implemented to facilitate the exchange of information between bison managers, scientists, and the public.

If you wish to comment during the 90-day public comment period, you may use any one of several methods. The preferred method for submitting comments to the NPS and State of Montana is on the NPS PEPC Web site at <http://parkplanning.nps.gov/YellBisonPlan>. You may also mail or hand-deliver your comments to the Superintendent, Yellowstone National Park, Bison Management Plan, P.O. Box 168, Yellowstone National Park, Wyoming 82190. Comments will also be accepted during public meetings. Comments will not be accepted by fax, email, or any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**FOR FURTHER INFORMATION CONTACT:** Al Nash, Chief of Public Affairs, Yellowstone National Park, Bison Management Plan, P.O. Box 168, Yellowstone National Park, Wyoming

82190, or by telephone at (307) 344–2015.

Dated: January 22, 2015.

**Sue E. Masica,**

*Regional Director, Intermountain Region, National Park Service.*

[FR Doc. 2015–05962 Filed 3–13–15; 8:45 am]

**BILLING CODE 4312–CB–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–17723;  
PPWOCRADN0–PCU00RP14.R50000]

### Notice of Intent To Repatriate Cultural Items: Minnesota Historical Society, St. Paul, MN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Minnesota Historical Society, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Minnesota Historical Society. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Minnesota Historical Society at the address in this notice by April 15, 2015.

**ADDRESSES:** Leah Bowe, Minnesota Historical Society, 345 W. Kellogg Blvd., St. Paul, MN 55102, telephone (651) 259–3255, email [leah.bowe@mnhs.org](mailto:leah.bowe@mnhs.org).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Minnesota Historical Society, St. Paul, MN, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of

the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

### History and Description of the Cultural Items

In 1926, 57 cultural items, identified as a set of Midewiwin medicines, were removed from a cave at Crane Lake in St. Louis County, MN. The objects were discovered and removed by a group of men canoeing on the lake who took shelter in the cave during a storm. The objects (called the Crane Lake Cache by the Minnesota Historical Society) were transferred to the Minnesota Historical Society in 1927.

In the near 90 years since their accession, some parts of the Crane Lake Cache have gone missing, and the current number of objects in the collection is 54. The 54 sacred objects still extant that comprise the Crane Lake Cache are: 4 birch bark scrolls; 3 birch bark disks; 1 wooden disk; 1 birch bark container for medicine; 1 can rattle; 8 invitation bird quills; 1 shooting diagram; 1 snakeskin bundle; the fragments of 1 water drum; 15 individual packages of medicines; 1 bear claw; 6 shells; 2 quartz crystals; 1 nut; 1 ceramic object; 1 otolith; 5 glass beads; and 1 wooden container for medicines. The missing items are 1 sucking tube and 2 packages of medicine.

Consultation with the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota, confirmed both that these materials fit the definition of sacred objects under NAGPRA, and that Crane Lake was within the boundaries of the traditional property of the Bois Forte Band.

In 1987, the Minnesota Historical Society purchased the Nett Lake War Charm Necklace at Sotheby's Auctions. This object was identified as such at auction by the seller. Further provenance is unavailable for this object.

Consultation with Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota, confirmed both that this object fit the definition of a sacred object under NAGPRA, and that Nett Lake was within the boundaries of the traditional property of the Bois Forte Band.

### Determinations Made by the Minnesota Historical Society

Officials of the Minnesota Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 55 cultural items described above are specific ceremonial objects needed

by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota.

### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Leah Bowe, Minnesota Historical Society, 345 W. Kellogg Blvd., St. Paul, MN 55102, telephone (651) 259-3255, email [leah.bowe@mnhs.org](mailto:leah.bowe@mnhs.org), by April 15, 2015. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota, may proceed.

The Minnesota Historical Society is responsible for notifying the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota, that this notice has been published.

Dated: February 23, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05979 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-HQ-IA-2014-N051;  
FXIA1671090000-156-FF09A30000]**

### Endangered Species; Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

**DATES:** We must receive comments or requests for documents on or before April 15, 2015.

**ADDRESSES:** Brenda Tapia, U.S. Fish and Wildlife Service, Division of

Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358-2281; or email [DMAFR@fws.gov](mailto:DMAFR@fws.gov).

### FOR FURTHER INFORMATION CONTACT:

Brenda Tapia, (703) 358-2104 (telephone); (703) 358-2281 (fax); [DMAFR@fws.gov](mailto:DMAFR@fws.gov) (email).

### SUPPLEMENTARY INFORMATION:

#### I. Public Comment Procedures

*A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

*B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, “Delivering an Efficient, Effective, and Accountable Government,” and the President’s Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

## III. Permit Applications

### A. Endangered Species

Applicant: Lincoln Children’s Zoo, Lincoln, NE; PRT–839363

The applicant requests renewal of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following family and species, to enhance the species’ propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

#### Families

Lemuridae

#### Species

Leontopithecus species

Snow leopard (*Uncia uncia*)

Amur leopard (*Panthera pardus orientalis*)

Lar gibbon (*Hylobates lar*)

Rodrigues flying fox (*Pteropus rodricensis*)

African dwarf crocodile (*Osteolaemus tetraspis tetraspis*)

Galapagos giant tortoise (*Chelonoidis nigra*)

### Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Carl Pennella, Ringwood, NJ; PRT–55131B.

Applicant: John Holz, Fairbanks, AK; PRT–55885B.

Applicant: Cooper Ribman, Dallas, TX; PRT–56756B.

Applicant: Donald McNeeley, Romeoville, IL; PRT–55106B.

Applicant: Gregory Loman, Edmond, OK; PRT–56486B.

Applicant: Sarah Sackman, Port Washington, NY; PRT–55182B.

Applicant: Mathew Lavender, Alvord, TX; PRT–54091B.

#### Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–05909 Filed 3–13–15; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–17720;  
PPWOCRADN0–PCU00RP14.R50000]

### Notice of Inventory Completion: Columbia University, Department of Anthropology, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

**SUMMARY:** The Columbia University, Department of Anthropology, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Columbia University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Columbia University at the address in this notice by April 15, 2015.

**ADDRESSES:** Dr. Nan Rothschild, Department of Anthropology, Columbia University, 1200 Amsterdam Ave., New York, NY 10027, telephone (212) 854–4977, email [roth@columbia.edu](mailto:roth@columbia.edu).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Columbia University. The human remains were removed from Sheyenne-Cheyenne Site, Ransom County, ND.

This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### Consultation

The detailed assessment of the human remains was made by the Columbia University, Department of Anthropology, professional staff in consultation with representatives of the Cheyenne and Arapaho Tribes (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma) and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

### History and Description of the Remains

In 1938, human remains representing, at minimum, one individual were removed from Sheyenne-Cheyenne site in Ransom County, ND. The excavation was led by William Duncan Strong and jointly sponsored by Columbia University and the State Historical Society of North Dakota. Strong brought the human remains to the American Museum of Natural History (AMNH), where they were placed on “permanent loan.” The cranium had suffered extensive postmortem damage and was partially restored at the AMNH by Kenneth Mowbray at some date prior to 2002. In January 2002, a detailed assessment of the human remains was made by researchers at Columbia University, and in August 2011, the AMNH transferred the human remains to the Department of Anthropology at Columbia University. The remains consist of a cranium representing one adult individual. This individual was identified as Native American based on Strong’s documentation and non-invasive assessment of cranial features. No known individual was identified. No associated funerary objects are present.

Strong, in his expedition field notes (National Anthropological Archives, Strong Papers, Box 21, Field Work 1938), refers to beginning excavations at Sheyenne-Cheyenne site on July 8, 1938 (p.19a). He writes of the discovery of a

partial bundle burial just beyond the edge of the house. It is initially identified as Burial #12, and later as Burial 1 #12 at House 23. W. Raymond Wood in his 1955 publication refers to this site as the "Biesterfeldt or Sheyenne-Cheyenne Site (32RM1)" (Plains Anthropological Society 1955 3:3–12) and describes it as "the remains of a village of the formerly semi-sedentary Cheyenne Indians." Strong writes in his field notes that the site was historically Cheyenne and was abandoned after a Chippewa attack in 1790, citing Libby, Swanton, Thompson, and others. Two years later, in Strong's 1940 work (Smithsonian Miscellaneous Collections, 100:353–394), he provides the date of 1770 for the abandonment of the site. He explained that Swanton (1930), drawing on Thompson, believed that the village had been burned not much before 1790, while Henry (1897) "refers to the same event as occurring about 1740." At this point, Strong "assumed 1770 as a median date" (p. 371). Today, the Cheyenne are represented by the Cheyenne and Arapaho Tribes (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma) and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

#### **Determinations Made by Columbia University, Department of Anthropology**

Officials of Columbia University, Department of Anthropology, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cheyenne and Arapaho Tribes (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma) and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

#### **Additional Requestors and Disposition**

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Nan Rothschild, Department of Anthropology, Columbia University, 1200 Amsterdam Ave., New York, NY 10027, telephone (212) 854–4977, email [roth@columbia.edu](mailto:roth@columbia.edu), by April 15, 2015. After that date, if no additional

requestors have come forward, transfer of control of the human remains to the Cheyenne and Arapaho Tribes (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma) and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, may proceed.

The Columbia University, Department of Anthropology, is responsible for notifying the Cheyenne and Arapaho Tribes (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma) and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, that this notice has been published.

Dated: February 23, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015–05987 Filed 3–13–15; 8:45 am]

**BILLING CODE 4312–50–P**

## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

**[NPS–WASO–NAGPRA–17719;  
PPWOCRADN0–PCU00RP14.R50000]**

#### **Notice of Inventory Completion: State Historical Society of Iowa, Iowa City, IA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The State Historical Society of Iowa has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the State Historical Society of Iowa. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the State Historical Society of Iowa at the address in this notice by April 15, 2015.

**ADDRESSES:** Jerome Thompson or NAGPRA Coordinator, State Historical Society of Iowa, 600 East Locust, Des Moines, IA 50319, telephone (515) 281–4221, email [jerome.thompson@iowa.gov](mailto:jerome.thompson@iowa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the State Historical Society of Iowa, Iowa City, IA. The human remains were removed from the vicinity of Little Cheyenne River, ND.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

#### **Consultation**

A detailed assessment of the human remains was made by the State Historical Society of Iowa professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota.

#### **History and Description of the Remains**

At an unknown date, human remains representing, at minimum, one individual were placed in an envelope in a manuscript collection at the State Historical Society of Iowa research facility in Iowa City. The envelope contains human hair and on the outside has the following written description:



“Scalp Lock taken from the Indian who killed Capt. Jno Fielner Co A 1st U.S.Cav Dakotah Ter by Henry N Berry.”

On June 28, 1864, Captain John Feilner, 1st U.S. Cavalry, was killed on the Little Cheyenne River in Dakota Territory. Company A of the Dakota Cavalry soon arrived at the site and proceeded to seek and kill the three men of the Dakota Nation believed responsible for Feilner's death. This incident was reported the *Dubuque Herald* (July 15, 1864) and the *Sioux City Register* (July 16, 1864), as well as in “The 1864 Sully Expedition, and the Death of Captain John Feilner,”

*American Nineteenth Century History*, Vol. 9, No. 2, June 2008, pages 183–190.

Henry N. Berry served in Company I of the Sixth Regiment of the Iowa Volunteer Cavalry, according to the Roster and Record of Iowa Troops in the Rebellion, Vol. 4. Company I was raised primarily from Johnson (Iowa City) and Scott (Davenport) counties. The muster roll provides the following information: “Berry, Henry N. Age 18, Residence Iowa City, nativity Iowa. Enlisted September 25, 1862, as Second Sergeant, Mustered Feb. 2, 1863. Promoted Sergeant Major May 1, 1865. Mustered out Oct. 17, 1865, Sioux City, Iowa.”

The Sixth Regiment of Iowa Volunteer Cavalry was commanded by Colonel D.S. Wilson from Dubuque, IA. The Sixth Iowa served in General Sully's punitive expedition against the Dakota following the 1862 Dakota War in Minnesota. They served under Sully's command during the summer and fall campaign of 1864 (Report of the Adjutant General of Iowa, 1865, Vol. 2, pages 1358–1366). *The Annals of Iowa* (vol. 1864, no. 4, pp. 382–383) note H.N. Berry as one of several donors of “war relic and specimens for the cabinet of natural history and curiosities.” An 1867 catalog entry lists Henry N. Berry of Iowa City as donor of a “collection of relics brought from the plains.” The catalog entry goes on to describe some of the collection, but there is no specific mention of a scalp lock. It is reasonable to conclude that while not specifically mentioned in these early records, the source of the scalp lock was Henry N. Berry, and his service record places him in Dakota Territory at the time of the incident cited.

#### Determinations Made by the State Historical Society of Iowa

Officials of the State Historical Society of Iowa have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice

represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jerome Thompson or NAGPRA Coordinator, State Historical Society of Iowa, 600 East Locust, Des Moines, IA 50319, telephone (515) 281-4221, email [jerome.thompson@iowa.gov](mailto:jerome.thompson@iowa.gov), April 15, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska;

Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota may proceed.

The State Historical Society of Iowa is responsible for notifying the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: February 23, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05991 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-NEO-CAJO-17664; PPNECAJO00 PPMPSPD1Z.YM0000]

### Notice of April 29, 2015, Meeting for Captain John Smith Chesapeake National Historic Trail Advisory Council

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice of Meeting.

**SUMMARY:** As required by the Federal Advisory Committee Act (5 U.S.C. Appendix 1-16), the National Park Service (NPS) is hereby giving notice that the Advisory Council for the Captain John Smith Chesapeake National Historic Trail will hold a meeting. The Council will meet for the purpose of discussing segment planning



along the Potomac River and to update the Council on implementation projects. Designated through an amendment to the National Trails System Act (16 U.S.C. 1241 to 1251, as amended), the Captain John Smith Chesapeake National Historic trail consists of “a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Delaware, and in the District of Columbia,” tracing the 1607–1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay.

**DATES:** The Captain John Smith Chesapeake National Historic Trail Advisory Council will meet from 10:00 a.m. to 3:00 p.m. on Wednesday, April 29, 2015 (EASTERN).

**ADDRESSES:** The meeting will be held at Murphy Hall at Westmoreland State Park, 145 Cliff Road, Montross, VA 22520. For more information, please contact the NPS Chesapeake Bay Office, 410 Severn Avenue, Suite 314, Annapolis, MD 21403, telephone (410) 260–2477.

**FOR FURTHER INFORMATION CONTACT:** Christine Lucero, Partnership Coordinator, telephone (757) 258–8914 or email [Christine\\_Lucero@nps.gov](mailto:Christine_Lucero@nps.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should register via email at [Christine\\_Lucero@nps.gov](mailto:Christine_Lucero@nps.gov) or telephone (757) 258–8914. For those wishing to make comments, please provide a written summary of your comments prior to the meeting. The Designated Federal Official for the Captain John Smith Chesapeake National Historic Trail Advisory Council is Jonathan Doherty, Assistant Superintendent, telephone (410) 260–2477.

Comments will be taken for 30 minutes at the end of the meeting (from 2:30 p.m. to 3:00 p.m.). Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All comments will be made part of the public record and will be

electronically distributed to all Council members.

Dated: March 10, 2015.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2015–05931 Filed 3–13–15; 8:45 am]

**BILLING CODE 4310–EE–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R4–ES–2014–N047; 40120–1112–0000–F2]

#### Receipt of Applications for Endangered Species Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

**DATES:** We must receive written data or comments on the applications at the address given below by April 15, 2015.

**ADDRESSES:** Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

#### FOR FURTHER INFORMATION CONTACT:

Karen Marlowe, 10(a)(1)(A) Permit Coordinator, telephone 205–726–2667; facsimile 205–726–2479.

**SUPPLEMENTARY INFORMATION:** The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail

comments to the Fish and Wildlife Service’s Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to [permitsR4ES@fws.gov](mailto:permitsR4ES@fws.gov). Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Permit Applications

*Permit Application Number: TE 041314–5*

Applicant: Kenneth Moore, U.S. Army, Fort Polk, Louisiana

The applicant requests renewal of his current permit to take (capture, band, release, install artificial cavities and restrictors for, monitor nest cavities for, and translocate) red-cockaded woodpeckers (*Picoides borealis*) on Fort Polk military base, with translocations allowed to Arkansas, Oklahoma, Texas, and Louisiana, for the enhancement of propagation and survival of the species.

*Permit Application Number: TE 087191–3*

Applicant: Kerry Brust, Sandhills Ecological Institute, Southern Pines, North Carolina

The applicant requests renewal of her current permit to take (capture, band, release, install artificial cavities and restrictors for, and monitor nest cavities for) red-cockaded woodpeckers (*Picoides borealis*) in the North Carolina Sandhills—Moore, Hoke, Cumberland, Richmond, and Scotland Counties, North Carolina, and Dorchester County, South Carolina—for the enhancement of propagation and survival of the species.

*Permit Application Number: TE 56746B–0*

Applicant: Joseph Johnson, Bucknell University, Lewisburg, Pennsylvania

The applicant requests authorization to take (capture with mist nets, handle,

weigh, measure, radio-tag, band, and release) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*) in the Shoal Creek Ranger District of the Talladega National Forest in Cleburne and Calhoun Counties, Alabama, to determine presence/absence and examine the impacts of fire management and forest thinning on the species.

*Permit Application Number: TE 56749B-0*

Applicant: Patrick Moore, Little Rock, Arkansas

The applicant requests authorization to take (enter hibernacula, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, wing-punch, and selectively euthanize for white-nose syndrome) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), Ozark big-eared bats (*Corynorhinus townsendii ingens*), and northern long-eared bats (*Myotis septentrionalis*) for the purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring throughout the following States: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

*Permit Application Number: TE 822525-6*

Applicant: Joe McGlincy, Southern Forestry Consultants, Bainbridge, Georgia

The applicant requests renewal of his current permit to take (capture, monitor, band, release, install artificial cavities for, and translocate) red-cockaded woodpeckers (*Picoides borealis*) throughout the species' range for the enhancement of propagation and survival of the species.

*Permit Application Number: TE 22311A-1*

Applicant: Anna George, Tennessee Aquarium, Chattanooga, Tennessee

The applicant requests renewal of her current permit to take (capture, identify, take fin clips from, and release) up to 30 individuals of each of the fish species amber darter (*Percina antesella*), goldline darter (*Percina aurolineata*), snail darter (*Percina tanasi*), Conasauga logperch (*Percina jenkinsi*), blue shiner (*Cyprinella caerulea*), and Laurel dace (*Chrosomus saylori*), in Alabama,

Georgia, Kentucky, North Carolina, Tennessee, and Virginia, for the purposes of conducting presence/absence surveys and genetic analyses.

*Permit Application Number: TE 38522A-1*

Applicant: Michael Lacki, University of Kentucky, Georgetown, Kentucky

The applicant requests renewal and amendment of his current permit to take (enter hibernacula or maternity roost caves of, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, wing-punch, and selectively euthanize for white-nose syndrome) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*) for the purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Kentucky.

*Permit Application Number: TE 207117-1*

Applicant: Samuel Gaines, The South Carolina Department of Parks, Recreation & Tourism, Columbia, South Carolina

The applicant requests renewal of his current permit to take (inspect nest cavities of) red-cockaded woodpeckers (*Picoides borealis*) for the purpose of monitoring populations in Cheraw State Park and Hampton Plantation State Historic Site in Chesterfield and Charleston Counties, South Carolina.

*Permit Application Number: TE 075913-5*

Applicant: Thomas Risch, Arkansas State University, Jonesboro, Arkansas

The applicant requests an amendment of his current permit to add take (salvage of dead bats, capture with mist nets or harp traps, handling, identification, collection of hair samples, banding, radio-tagging, light-tagging wing-punching, and selectively euthanizing for white-nose syndrome) of northern long-eared bats (*Myotis septentrionalis*) and to add the following States for purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring: Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

*Permit Application Number: TE 58576B-0*

Applicant: Randall Davis, Texas A&M University, Galveston, Texas

The applicant requests authorization to take (capture, attach video and data recorder to, release, and recapture) 15 to 20 adult female leatherback sea turtles (*Dermochelys coriacea*) for the purpose of revealing new information on foraging ecology in Sandy Point National Wildlife Refuge, Frederiksted, St. Croix, US Virgin Islands.

*Permit Application Number: TE 35313B-2*

Applicant: Emma Willcox, University of Tennessee, Knoxville, Tennessee

The applicant requests an amendment to include additional States on her current permit to take (capture, handle, band, radio-tag, pit tag, collect hair and fecal samples of, wing punch, swab, undertake longwave ultraviolet fluorescence screening, and release) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*) and northern long-eared bats (*Myotis septentrionalis*) for the purposes of conducting presence/absence surveys, studies to document habitat use, population monitoring, and white-nose syndrome surveillance. The applicant requests the addition of the following States: Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Virginia, and West Virginia.

Dated: March 9, 2015.

**Leopoldo Miranda,**

*Assistant Regional Director- Ecological Services, Southeast Region.*

[FR Doc. 2015-05896 Filed 3-13-15; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-17617; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Kaibab National Forest, Williams, AZ**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA), Forest Service, Kaibab National Forest has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian

organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Kaibab National Forest. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Kaibab National Forest at the address in this notice by April 15, 2015.

**ADDRESSES:** Michael R. Williams, Forest Supervisor, Kaibab National Forest, 800 S 6th St, Williams, AZ 86046, telephone (928) 635-8200, email [mrwilliams01@fs.fed.us](mailto:mrwilliams01@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the USDA Forest Service, Kaibab National Forest. The human remains and associated funerary objects were removed from the North Kaibab Ranger District, Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the human remains was made by the Kaibab National Forest professional staff in consultation with representatives of the Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona New Mexico & Utah; San Juan Southern Paiute Tribe of Arizona; and

Zuni Tribe of the Zuni Reservation, New Mexico.

#### History and Description of the Remains

On August 24, 1985, human remains representing, at minimum, one individual were removed from the North Kaibab Ranger District in Coconino County, AZ. On August 23, 1985, the Coconino County Sheriff's Office was contacted in regards to human skeletal remains that were discovered by a hunter on the North Kaibab Ranger District. On August 24, 1985, the Coconino County Sheriff's Office conducted an investigation in the area and collected the human remains. On August 26, 1985, an anthropologist examined the remains and concluded that the skeleton was that of a female around 50-55 years of age at death and approximately 5'0" to 5'2" in stature. The examiner further concluded that the remains are possibly from a Hispanic individual, but are more likely from a Native American person. The examination surmised that the individual may have died of exposure in the 1930s or earlier based on the condition of the remains. On November 14, 1985, the Coconino County Sheriff's Office closed the case and turned the remains over to Northern Arizona University. Later, the remains were moved to the Coconino County Coroner's Office in Flagstaff, AZ. In 2012, the Coconino County Coroner's Office notified the Kaibab National Forest of the remains. The five associated funerary objects are two metal belt buckles, two steel rings, and one lot of fragments of a leather horse halter with brass rivets.

Sheriff's Office detectives and the medical examiner dated the remains to the 1930s or earlier. Interviews conducted during the investigation indicated the remains may be affiliated with the Paiute people. The area where the remains were located is within the traditional use area of the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.

#### Determinations Made by the USDA Forest Service, Kaibab National Forest

Officials of the USDA Forest Service, Kaibab National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Michael R Williams, Forest Supervisor, Kaibab National Forest, 800 S 6th St, Williams, AZ 86046, telephone (928) 635-8200, email [mrwilliams01@fs.fed.us](mailto:mrwilliams01@fs.fed.us) by April 15, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona, may proceed.

The Kaibab National Forest is responsible for notifying the Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico & Utah; San Juan Southern Paiute Tribe of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: February 3, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05995 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-17634;  
PPWOCRADN0-PCU00RP14.R50000]

### Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, WA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), Columbia-Cascades Area Office, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains

and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Reclamation, Columbia-Cascades Area Office. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Reclamation, Columbia-Cascades Area Office at the address in this notice by *April 15, 2015*.

**ADDRESSES:** Warren Hurley, Archeologist, Columbia-Cascades Area Office, Bureau of Reclamation, 1917 Marsh Road, Yakima, WA 98901–2052, telephone (509) 575–5848 ext. 320.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, Bureau of Reclamation, Columbia-Cascades Area Office, Yakima, WA, and in the physical custody of the University of Oregon Museum of Cultural and Natural History (formerly the Oregon State Museum of Anthropology (OSMA)). The human remains were removed from lands managed by Reclamation in Jackson County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### Consultation

A detailed assessment of the human remains was made by Reclamation, Columbia-Cascades Area Office and OSMA professional staff in consultation with representatives of the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon.

### History and Description of the Remains

In 1958, fragmentary human remains representing, at minimum, one individual were recovered from site 35JA01 in Jackson County, OR. This discovery resulted from archeological investigations conducted by the University of Oregon's Department of Anthropology, under contract to the National Park Service and funded by the Bureau of Reclamation, in association with construction of Emigrant Dam and Reservoir. Site 35JA01 is located on a broad alluvial terrace that extends northward from the east bank of the now inundated Emigrant Creek, approximately 1.8 miles upstream (southeast of) from Emigrant Dam in Jackson County, OR. The site is situated on Federal lands under Reclamation's jurisdiction. The archeological site, described in 1958 as a "camp site" and on a 1970 site form as a "midden," was subject to test excavations shortly after discovery. The human remains include two human bone fragments (identified as a condyle and part of the ascending ramus of the right side of a mandible, and a parietal fragment). Both human bone fragments were reported to be from an area of the site that had been disturbed by relic collectors, and both were described as being from an adult, although no mention is made of the minimum number of individuals represented by the remains. No known individuals were identified. The site was dated, based on the presence of the trade bead and temporally diagnostic projectile points, as late Archaic/Contact period (600–150 yr. BP).

The recovered archeological materials, including the human remains, were sent to OSMA in Eugene, OR. During the years since recovery, the human remains from 35JA01 have remained in storage as components of Reclamation's archeological collection housed and maintained at OSMA. In 1995, while completing NAGPRA inventories, OSMA staff identified a third human bone—a lower lumbar vertebra fragment found in a bag of faunal bone—collected from site 35JA01 in 1958. The additional bone fragment was reported to Reclamation in 1996 and appended to the collection summary/artifact catalog that is maintained by both OSMA and Reclamation. No associated funerary items were identified from the materials recovered from site 35JA01.

Association of the materials with a prehistoric archeological site indicates that the human remains described are Native American. The geographic location of the site is within the Bear Creek Valley, the southern arm of the

larger Rogue River Valley of southwestern Oregon, and within the southwestern corner of the Northwest Coast Culture Area. Ethnographic and ethnohistoric evidence and archeological data indicate that site 35JA01 lies within an area occupied, at the time of contact, by the Bear Creek Shasta and Upland Takelma bands. Tribal/band members were removed from the Rogue River Valley to the Grand Ronde and Coast/Siletz Indian Reservations beginning in 1855—not long after initial settlement of the Rogue River Valley by Anglo Americans.

In 2010, Reclamation commissioned a study to determine the cultural affiliation of the heretofore unaffiliated remains. This study concluded that, based on the preponderance of the evidence, the human remains from site 35JA01 are most closely affiliated with the Bear Creek Shasta, a Native American group who resided in the southwest Oregon at and prior to Euro-American contact. Descendants of both Native American groups are legally represented by the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon.

### Determinations Made by Reclamation, Columbia-Cascades Area Office

Officials of Reclamation, Columbia-Cascades Area Office have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon.

### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Warren Hurley, Archeologist, Columbia-Cascades Area Office, Bureau of Reclamation, 1917 Marsh Road, Yakima, WA 98901–2052, telephone (509) 575–5848 ext. 320, by *April 15, 2015*. After that date, if no additional requestors have come

forward, transfer of control of the human remains to the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon may proceed.

Reclamation, Columbia-Cascades Area Office is responsible for notifying the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon that this notice has been published.

Dated: February 4, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05997 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-17743;  
PPWOCRADNO-PCU00RP14.R50000]

### Notice of Inventory Completion: The Toledo Zoological Society, Toledo, OH

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The Toledo Zoological Society has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Toledo Zoological Society. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Toledo Zoological Society at the address in this notice by April 15, 2015.

**ADDRESSES:** Mitchell Magdich, Curator of Education, The Toledo Zoological Society, P.O. Box 140130, Toledo, OH

43614, telephone (419) 385-5721, email [mitch.edu@toledozoo.org](mailto:mitch.edu@toledozoo.org).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Toledo Zoological Society. The human remains were removed from the Younge site, Lapeer County, MI, and unknown sites in Michigan.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### Consultation

A detailed assessment of the human remains was made by the Toledo Zoological Society professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan.

Additional requests for consultation were sent to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Mille Lacs Band of the Minnesota

Chippewa Tribe, Minnesota; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; and the Wyandotte Nation, Oklahoma.

### History and Description of the Remains

In 1937, human remains representing, at minimum, one individual were excavated from the Younge site (20LP1) in Lapeer County, MI, by Ms. Carmen Baggerly. The human remains were likely deposited in the University of Michigan Museum of Anthropological Archaeology by Ms. Baggerly after the excavation (the collector's field number [A-427] corresponds with a sequence of collector's field numbers of human remains from the Younge site formerly under the control of the University of Michigan). The remains were transferred to The Toledo Zoological Society at an unknown date and assigned catalog number A417. The human remains consist of a skull and 16 teeth of a female adolescent/young adult 16-20 years of age. There is a post-mortem perforation just posterior to the bregma and large plaque removal over the sagittal suture on parietals and occipital. Osteologist J. A. Scott from the University of Michigan, Museum of Anthropological Archaeology, examined the remains and determined the cranial non-metric traits are indicative of Native American ancestry. No known individual was identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, seven individuals were removed from unknown locations, likely in Michigan. Toledo Zoological Society (TZS) catalog records indicate that Native American remains from at least seven individuals were removed from the Younge site (20LP1) in Lapeer County, MI, and deposited in the TZS museum collection on an unknown date. Verification is not possible, however, since there is no corresponding collector's field number or museum catalog number attached with the remains. The human remains were identified a fragmentary cranial portion with 14 teeth of indeterminate gender of a child age 8.5 to 13.5 years (NFIC\_1);

a cranium with face and 9 teeth including root fragments of a possible male adult 25–45 years (NFIC 2); a cranium and mandible only with 30 total teeth of a female adult 25–50 years (NFIC 3); cranial fragments only of a possible adult female (NFIC 4); a cranium with 4 total teeth of a possible male adult 20–45 years (NFIC 5); a left femur shaft fragments, left talus fragment, and four non-identifiable bone fragments of probable Native American ancestry based on archaeological appearance of remains (NFIC 6); and a mandible only with 15 total teeth of an adult 24–35 years of indeterminate gender (NFIC 7). Osteologist J. A. Scott from the University of Michigan, Museum of Anthropological Archaeology, examined the remains and determined non-metric traits indicate possible Native American ancestry or mixed ancestry. No known individuals were identified. No associated funerary objects are present.

#### **Determinations Made by the Toledo Zoological Society**

Officials of the Toledo Zoological Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on an examination by an osteologist.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community,

Wisconsin; Grand Portage Band of Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Leech Lake Band of Minnesota Chippewa Tribe, Minnesota; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Band of Odawa Indians, Michigan; Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan; Mille Lacs Band of Minnesota Chippewa Tribe, Minnesota; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of Minnesota Chippewa Tribe, Minnesota; and the Wyandotte Nation (hereafter referred to as "The Tribes").

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

#### **Additional Requestors and Disposition**

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Mitchell Magdich, Curator of Education, The Toledo Zoological Society, P.O. Box 140130, Toledo, OH 43614, telephone (419) 385-5721, email [mitch.edu@toledozoo.org](mailto:mitch.edu@toledozoo.org), April 15, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Toledo Zoological Society is responsible for notifying The Tribes that this notice has been published.

Dated: February 24, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05993 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-50-P**

## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

**[NPS-WASO-NAGPRA-17615;  
PPWOCRADN0-PCU00RP14.R50000]**

### **Notice of Inventory Completion: U.S. Department of Defense, Army Corps of Engineers, Charleston District, Charleston, SC**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Defense, Army Corps of Engineers, Charleston District, has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the U.S. Army Corps of Engineers, Charleston District. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the U.S. Army Corps of Engineers, Charleston District at the address in this notice by *April 15, 2015*.

**ADDRESSES:** Mr. Alan Shirey, U.S. Army Corps of Engineers, Charleston District, ATTN: CESAC-PM-PL, 69A Hagood Ave., Charleston, SC 29403-5107, telephone (843) 329-8166, email [alan.d.shirey@usace.army.mil](mailto:alan.d.shirey@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory

of human remains and associated funerary objects under the control of the U.S. Army Corps of Engineers, Charleston District. The human remains and funerary objects were removed from Berkeley County, SC.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the human remains was made by the U.S. Army Corps of Engineers, Charleston District professional staff in consultation with representatives the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Quassarte Tribal Town; Catawba Indian Nation (aka Catawba Tribe of South Carolina); Cherokee Nation; Delaware Tribe of Indians; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); Shawnee Tribe; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; Tuscarora Nation; and United Keetoowah Band of Cherokee Indians in Oklahoma.

#### History and Description of the Remains

Between 1979 and 1981, human remains representing, at minimum, 59 individuals were removed from the Swamp Site (38BK235), in Berkeley County, SC. The site was excavated by the South Carolina Institute of Archaeology and Anthropology (SCIAA) of Columbia, SC, prior to the construction of the Cooper River Rediversion Canal. Artifacts were stored at SCIAA and the osteological materials (human and animal remains) were sent to the University of Missouri, Columbia, for analysis. Following analysis, the osteological material was returned to SCIAA, which is the current location of the collection. No known individuals were identified. The 102,358 associated funerary objects are 3 beads, 267 ceramic sherds, 339 concretions, 96,899 faunal fragments, 60 fossils (shell and coral), 1,842 lithic flakes (orthoquartzite, chert, and quartz), 20 lithic tool fragments, 21 lots of faunal fragments, 95 lots of screened material,

25 organics (wood, seeds, and snail shell), 1 piece of groundstone, 2,431 pieces of miscellaneous stone/pebbles, 97 pieces of charcoal, and 258 pieces of ochre (red and yellow).

#### Determinations Made by the U.S. Army Corps of Engineers, Charleston District

Officials of the U.S. Army Corps of Engineers, Charleston District have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the physical characteristics of the human remains, the method of interment, the objects associated with the interments, and the archaeological context of the site.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 59 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 102,358 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- The 1760 Treaty of Pine Tree Hill indicates that the land from which the Native American human remains and associated funerary objects were removed is aboriginal land of the Catawba Indian Nation (aka Catawba Tribe of South Carolina).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Catawba Indian Nation (aka Catawba Tribe of South Carolina).

#### Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Mr. Alan Shirey, U.S. Army Corps of Engineers, Charleston District, ATTN: CESAC-PM-PL, 69A Hagood Ave., Charleston, SC 29403-5107, telephone (843) 329-8166, email [alan.d.shirey@usace.army.mil](mailto:alan.d.shirey@usace.army.mil), by April 15, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Catawba Indian Nation

(aka Catawba Tribe of South Carolina) may proceed.

The U.S. Army Corps of Engineers, Charleston District is responsible for notifying the Catawba Indian Nation (aka Catawba Tribe of South Carolina) that this notice has been published.

Dated: February 3, 2015.

**Melanie O'Brien,**

*Acting Manager, National NAGPRA Program.*

[FR Doc. 2015-05996 Filed 3-13-15; 8:45 am]

BILLING CODE 4312-50-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES-956-1420-BK ES-047171, Group 152, Wisconsin]

#### Notice of Cancellation of a Portion of Plat of Survey

On March 23, 1995 there was published in the **Federal Register**, Volume 60, Number 56, on page 15301 a notice entitled "Filing of Plat of Survey; Wisconsin." In said notice was a plat depicting the survey of two islands located in Township 7 North, Range 22 East, Tracts 37 and 38, Fourth Principal Meridian, Wisconsin, accepted March 13, 1995.

The plat, specifically the portion identified as Tract 37, has been cancelled effective December 11, 2014.

**Dominica VanKoten,**

*Chief Cadastral Surveyor.*

[FR Doc. 2015-05901 Filed 3-13-15; 8:45 am]

BILLING CODE P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-IMR-CARE-17202; PPWONRADE2, PMP00E105.YP0000]

#### Environmental Impact Statement for a Livestock Grazing and Trailing Management Plan at Capitol Reef National Park, Utah

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The National Park Service (NPS) is preparing an Environmental Impact Statement for a Livestock Grazing and Trailing Management Plan (plan/EIS) for Capitol Reef National Park, Utah.

**DATES:** Interested individuals, organizations, and agencies are encouraged to provide written comments regarding the scope of issues to be addressed in the plan/EIS. To be most helpful to the planning process,



the NPS requests comments be submitted by May 15, 2015. The NPS intends to hold public open house meetings on the Livestock Grazing and Trailing Management Plan EIS in Torrey, Utah, in Hanksville, Utah, and via webinar during this scoping period. Specific dates, times, and locations will be made available via a press release to local media, a public scoping newsletter to be mailed or emailed to interested parties, and on the NPS's Planning, Environment and Public Comment (PEPC) Web site at [http://parkplanning.nps.gov/care\\_lgtmp\\_eis](http://parkplanning.nps.gov/care_lgtmp_eis). The NPS will provide additional opportunities for the public to offer written comments upon publication of the draft EIS.

**ADDRESSES:** Information will be available for public review online at [http://parkplanning.nps.gov/care\\_lgtmp\\_eis](http://parkplanning.nps.gov/care_lgtmp_eis); and in the Capitol Reef National Park offices at 52 W. Headquarters Drive, Torrey, UT 84775.

**FOR FURTHER INFORMATION CONTACT:** Contact Terry Fisk, Capitol Reef National Park Chief Resource Management and Science, or Leah McGinnis, Capitol Reef National Park Superintendent, at HC 70 Box 15, Torrey, UT 84775, or by telephone at (435) 425-4100.

**SUPPLEMENTARY INFORMATION:** The fundamental purpose of the national park system is the conservation of our nation's natural and cultural heritage on park lands for the enjoyment of current and future generations. In some cases, Congress has mandated or authorized the continuation of pre-existing uses on park lands in the legislation establishing or authorizing a park unit, while still recognizing that the National Park Service (NPS) must manage such uses consistent with its overarching conservation mission.

This conservation mission extends to all units of the national park system, including Capitol Reef National Park (Park), where Congress directed the Secretary of the Interior, to allow certain activities to continue on park lands under Public Law 92-207 and 100-446. Currently, two of the 19 livestock grazing permits that existed prior to the establishment of the Park—the Hartnet and Sandy 3 allotments—are still active. In addition, eight pre-existing stock trails used by 7 permittees still cross the Park: Jones Bench, Grey Bench/Cathedral Valley, Highway 24, Oak Creek, Pleasant Creek, Notom Road, Divide Canyon and Dry Bench. The legislation for the park directs that livestock grazing permittees who legally used park lands when the Park was established may continue the practice

during their lifetimes and the lifetimes of their children who were born on or before establishment of the park. The legislation for the Park also directs that livestock trailing be allowed to continue in perpetuity across the Park on traditional courses used by owners and operators of cattle herds prior to December 18, 1971.

Historically, the NPS relied on the Bureau of Land Management to permit and manage livestock grazing in the Park. However, between 2000 and 2010, the NPS assumed sole management responsibility for the two active grazing allotments in the Park. As a result, the NPS is preparing a plan/EIS to provide guidance to the Park and its permit holders to promote the shared conservation and stewardship of the Park's natural resources, ecological processes, and cultural resources while still permitting livestock grazing and trailing in accordance with the Park's enabling legislation. A plan is needed because the park currently lacks a comprehensive approach for managing livestock grazing and trailing in a manner that addresses the potential impacts of these activities on the Park's resources, including plants and animals listed under the Endangered Species Act and cultural resources protected under the National Historic Preservation Act.

The NPS is the lead agency in this planning and EIS process. Other agencies with special expertise have accepted an invitation or requested to be cooperating agencies in the plan and EIS process, including the Bureau of Land Management; Emery County, Utah; Garfield County, Utah; Wayne County, Utah; and the State of Utah.

The Park has already held preliminary discussions with technical specialists from these cooperating and other agencies and its permit holders. Through these discussions, the park has identified potential practices and tools that will be evaluated, along with any others that are identified through the public scoping process, to create alternatives for a long-term livestock grazing and trailing management plan. The practices and tools identified initially range from increased collaboration and communication with permittees, adjacent land managers, and visitors; to phased, adaptive implementation (based on monitoring results for desired resource and range conditions) of constructed improvements (e.g., fencing) and active livestock management practices (e.g., ongoing, "hands-on" management including potential adjustments to timing, duration, intensity, and distribution of grazing and trailing).

The NPS has prepared a scoping newsletter that provides more information regarding the scope of the Livestock Grazing and Trailing Management Plan EIS, including the initial practices and tools under consideration. The newsletter has been distributed to interested parties and will be posted, along with other scoping materials, to the NPS PEPC Web site at [http://parkplanning.nps.gov/care\\_lgtmp\\_eis](http://parkplanning.nps.gov/care_lgtmp_eis).

If you wish to comment during the scoping process, the preferred method for submitting comments is on the NPS PEPC Web site at [http://parkplanning.nps.gov/care\\_lgtmp\\_eis](http://parkplanning.nps.gov/care_lgtmp_eis). You may also mail comments to Capitol Reef National Park at HC 70 Box 15, Torrey, UT 84775, or hand-deliver them to 52 W. Headquarters Drive, Torrey, UT 84775.

Comments will also be accepted during public meetings; however, comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 24, 2015.

**Sue E. Masica,**

*Regional Director, Intermountain Region, National Park Service.*

[FR Doc. 2015-05976 Filed 3-13-15; 8:45 am]

**BILLING CODE 4312-CB-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-AKRO-KOVA-GAAR-LACL-17792; PPAKAKROR4; PPMRLE1Y.LS0000]

### Notice of Public Meetings and Teleconferences for the National Park Service Alaska Region Subsistence Resource Commission Program

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting Notices.

**SUMMARY:** As required by the Federal Advisory Committee Act (5 U.S.C. Appendix 1-16), the National Park Service (NPS) is hereby giving notice that the Cape Krusenstern National Monument Subsistence Resource Commission (SRC), the Gates of the Arctic National Park SRC, and the Lake



Clark National Park SRC will hold meetings to develop and continue work on NPS subsistence program recommendations, and other related regulatory proposals and resource management issues. The NPS SRC program is authorized by Section 808 of the Alaska National Interest Lands Conservation Act, (16 U.S.C. 3118), title VIII.

Cape Krusenstern National Monument SRC Meeting/Teleconference Date and Location: The Cape Krusenstern National Monument SRC will meet from 9:00 a.m. to 5:00 p.m. or until business is completed on Tuesday, March 31, 2015, at the Northwest Arctic Heritage Center in Kotzebue, AK. Teleconference participants must call the Cape Krusenstern National Monument office at (907) 442-3890 by Monday, March 30, 2015, prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting or if you are interested in applying for SRC membership, contact Designated Federal Official Frank Hays, Superintendent, at (907) 442-3890, or via email [frank\\_hays@nps.gov](mailto:frank_hays@nps.gov), or Clarence Summers, Subsistence Manager, at (907) 644-3603 or via email [clarence\\_summers@nps.gov](mailto:clarence_summers@nps.gov).

Gates of The Arctic National Park SRC Meeting/Teleconference Dates and Location: The Gates of the Arctic National Park SRC will meet from 9:00 a.m. to 5:00 p.m. or until business is completed on Tuesday, April 21, 2015, and Wednesday, April 22, 2015, at the Allakaket Public School in Allakaket, AK. Teleconference participants must contact Marcy Okada, Subsistence Manager, at (907) 457-5752 or via email [marcy\\_okadar@nps.gov](mailto:marcy_okadar@nps.gov) by Friday, April 17, 2015, prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting, or if you are interested in applying for SRC membership, contact Designated Federal Official Greg Dudgeon, Superintendent, at (907) 457-5752, or via email [greg\\_dudgeon@nps.gov](mailto:greg_dudgeon@nps.gov), or Clarence Summers, Subsistence Manager, at (907) 644-3603, or via email [clarence\\_summers@nps.gov](mailto:clarence_summers@nps.gov).

Lake Clark National Park SRC Meeting/Teleconference Date and Location: The Lake Clark National Park SRC will meet from 1:00 p.m. to 4:00 p.m. or until business is completed on Wednesday, April 22, 2015, at the Community Center in Pedro Bay, AK. Teleconference participants must call the Lake Clark National Park office at (907) 644-3626, by Monday, April 20, 2015, prior to the meeting to receive teleconference passcode information. For more detailed information regarding

this meeting, or if you are interested in applying for SRC membership, contact Designated Federal Official Margaret Goodro, Superintendent, at (907) 644-3626, or via email [margaret\\_goodro@nps.gov](mailto:margaret_goodro@nps.gov), or Clarence Summers, Subsistence Manager, at (907) 644-3603, or via email [clarence\\_summers@nps.gov](mailto:clarence_summers@nps.gov).

Proposed Meeting Agenda: The agenda may change to accommodate SRC business. The proposed meeting agenda for each meeting includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introductions
3. Review and Adoption of Agenda
4. Approval of Minutes
5. Superintendent's Welcome and Review of the Commission Purpose
6. Commission Membership Status
7. SRC Chair and Members' Reports
8. Superintendent's Report—NPS
9. Old Business
10. New Business
11. Federal Subsistence Board Update
12. Alaska Boards of Fish and Game Update
13. National Park Service Reports
  - a. Ranger Update
  - b. Resource Management Update
  - c. Subsistence Manager's Report
14. Public and Other Agency Comments
15. Work Session
16. Set Tentative Date and Location for Next SRC Meeting
17. Adjourn Meeting

SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent will issue a press release and use local newspapers and radio stations to announce the rescheduled meeting.

**SUPPLEMENTARY INFORMATION:** SRC meetings are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. SRC meetings will be recorded and meeting minutes will be available upon request from the Superintendent for public inspection approximately six weeks after the meeting. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 10, 2015.

**Alma Rippis,**

*Chief, Office of Policy.*

[FR Doc. 2015-05939 Filed 3-13-15; 8:45 am]

**BILLING CODE 4310-EE-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R8-ES-2015-N048;  
FXES11130800000-154-FF08E00000]**

### Endangered Species Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

**DATES:** Comments on these permit applications must be received on or before April 15, 2015.

**ADDRESSES:** Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825 (telephone: 916-414-6464; fax: 916-414-6486). Please refer to the respective permit number for each application when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760-431-9440; fax: 760-431-9624).

**SUPPLEMENTARY INFORMATION:** The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

### Applicants

*Permit No. TE-67390A*

Applicant: Benjamin J. Smith, Mission Viejo, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher

(*Empidonax traillii extimus*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-789253

Applicant: Brian Foster, El Cajon, California

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, handle/mark eggs, capture, band, collect for euthanization, and release) the western snowy plover (Pacific Coast population distinct population segment (DPS)) (*Charadrius nivosus nivosus*), and take (harass by survey, locate and monitor nests, handle/mark eggs, capture, band, and release) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*) in conjunction with population and breeding studies in San Diego County, California, for the purpose of enhancing the species' survival.

Permit No. TE-022360

Applicant: Tierra Data Inc., Escondido, California

The applicant requests a permit renewal to remove/reduce to possession the *Allium munzii* (Munz's onion), *Arctostaphylos glandulosa* subsp. *crassifolia* (Del Mar manzanita), *Astragalus brauntonii* (Braunton's milk-vetch), *Chorizanthe orcuttiana* (Orcutt's spineflower), *Eryngium aristulatum* var. *parishii* (San Diego button celery), and *Fremontodendron mexicanum* (Mexican flannelbush) in conjunction with surveys at Naval Weapons Station Seal Beach, Detachment Fallbrook, California, for the purpose of enhancing the species' survival.

Permit No. TE-58452B

Applicant: Darren M. Ward, Arcata, California

The applicant requests a permit to take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with research and population monitoring activities within Humboldt County, California, for the purpose of enhancing the species' survival.

Permit No. TE-67390A

Applicant: Sean P. Rowe, Weldon, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*), in conjunction with survey activities throughout the range of the species in

California for the purpose of enhancing the species' survival.

Permit No. TE-017549

Applicant: Mary Whitfield, Weldon, California

The applicant requests a permit renewal and amendment to take (locate and monitor nests, capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*), and take (harass by survey, locate and monitor nests, capture, band, collect blood, collect feathers, and release) the southwestern willow flycatcher (*Empidonax traillii extimus*), in conjunction with survey and genetics activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-786714

Applicant: Elyssa Robertson, Imperial Beach, California

The applicant requests a permit renewal to take (survey by pursuit, handle, and live-capture) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-067347

Applicant: Crysta Dickson, San Clemente, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardii*), and take (survey by pursuit, handle, and live-capture) the Quino checkerspot butterfly (*Euphydryas editha quino*), in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-049461

Applicant: Jaymee Marty, Sacramento, California

The applicant requests a permit renewal and amendment to take (capture, collect, and collect vouchers) the vernal pool tadpole shrimp (*Lepidurus packardii*), Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), and San Diego fairy shrimp (*Branchinecta*

*sandiegonensis*), and take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-097516

Applicant: Thomas P. Ryan, Monrovia, California

The applicant requests a permit amendment to take (harass by survey, locate and monitor nests, erect and use cameras to monitor nests, use decoys and acoustic playback, capture, handle, band, color-band, release, float eggs, collect non-viable eggs, transport abandoned eggs, and collect feathers) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*) in conjunction with surveys, population studies, and research activities within San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE-007907

Applicant: Eric Janney, Klamath Falls, Oregon

The applicant requests a permit renewal and amendment to take (capture, handle, mark [including the use of fin clips, external tags, internal and external radio telemetry transmitters, PIT tags, and coded wire tags], release, collect specimens, and collect gametes) the shortnose sucker (*Chasmistes brevirostris*) and take (capture, handle, mark [including the use of fin clips, external tags, internal and external radio telemetry transmitters, PIT tags, and coded wire tags], release, collect specimens, collect gametes, hold hatchery-reared juveniles, and euthanize hatchery-reared juveniles for nutritional analyses) the Lost River sucker (*Deltistes luxatus*) in conjunction with surveys, population studies, and research activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE-066621

Applicant: Marin Ruane, Point Magu, California

The applicant requests a permit amendment to take (capture, handle, band, release) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring activities on Naval Base Ventura County, Point

Mugu, California, for the purpose of enhancing the species' survival.

Permit No. TE-045994

Applicant: United States Geological Survey, Western Ecological Research Center, San Diego, California

The applicant requests a permit amendment to take (harass by survey, capture, handle, mark, tag, and release at point of capture, collect voucher specimens, collect tissue samples and swab, conduct radio telemetry, transport, captive breed and rear, remove infertile eggs from egg masses released from captivity, and release to the wild (translocate) the mountain yellow-legged frog (southern California DPS) (*Rana muscosa*) in conjunction with surveys and population monitoring activities within Bear Creek, Angeles National Forest, Los Angeles County, and to take (inoculate with symbiotic bacteria) the mountain yellow-legged frog (southern California DPS) in conjunction with chytrid fungal protection throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-59158B

Applicant: Darren Newman, North Fork, California

The applicant requests a permit to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), vernal pool tadpole shrimp (*Lepidurus packardii*), to take (harass by survey, capture, handle and release) the Fresno kangaroo rat (*Dipodomys nitratooides exilis*), giant kangaroo rat (*Dipodomys ingens*), Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), Pacific pocket mouse (*Perognathus longimembris pacificus*), and Buena Vista Lake ornate shrew (*Sorex ornatus relictus*), and to take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-829554

Applicant: Barbara Kus, San Diego, California

The applicant requests a permit renewal to take (locate and monitor nests, capture, handle, measure, weigh, band, color-band, release, collect body and tail feathers and blood, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*), and take (harass by survey, locate and monitor nests, capture, handle, measure, weigh, band, color-band, release, collect body feathers and blood, and remove brown-headed cowbird eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*), in conjunction with population monitoring and genetic studies throughout the range of each species in California, Arizona, and New Mexico for the purpose of enhancing the species' survival.

Permit No. TE-085026

Applicant: Jeff Steinman, San Francisco, California

The applicant requests a permit renewal and amendment to take (locate and monitor nests and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*), take (harass by survey, locate and monitor nests, and remove brown-headed cowbird eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*), and take (harass by survey) the yellow-billed cuckoo (western DPS) (*Coccyzus americanus*) in conjunction with survey and population monitoring throughout the range of the species in California and Arizona for the purpose of enhancing the species' survival.

Permit No. TE-027427

Applicant: Jeff A. Alvarez, Sacramento, California

The applicant requests a permit amendment to take (collect soil containing federally listed fairy shrimp cysts (eggs), translocate, and inoculate cysts into restored vernal pools) the longhorn fairy shrimp (*Branchinecta longiantenna*) in conjunction with vernal pool restoration and population enhancement activities at the Kellogg Creek Vernal Pool Complex, Los Vaqueros Watershed, Contra Costa County, California, for the purpose of enhancing the species survival.

## Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Michael Long,**

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2015-05900 Filed 3-13-15; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

[Docket No. ONRR-2011-0021; DS63610000 DR2PS0000.CH7000 145D0102R2]

**Office of Natural Resources Revenue; Agency Information Collection Activities: 30 CFR Parts 1202, 1206, and 1207, Indian Oil & Gas Valuation—Comment Request**

**AGENCY:** Office of Natural Resources Revenue (ONRR), Interior.

**ACTION:** Notice of extension.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), ONRR is inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR), parts 1202, 1206, and 1207. Also, there are five forms associated with this information collection.

**DATES:** Submit written comments on or before May 15, 2015.

**ADDRESSES:** You may submit comments on this ICR to ONRR by using one of the following three methods (please reference "ICR 1012-0002" in your comments):

1. Electronically go to <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter "ONRR-2011-0021" and then click "Search."

Follow the instructions to submit public comments. ONRR will post all comments.

2. Mail comments to Mr. Luis Aguilar, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225-0165.

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Room A-614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** For any questions, contact Mr. Luis Aguilar, telephone (303) 231-3418, or email at [Luis.Aguilar@onrr.gov](mailto:Luis.Aguilar@onrr.gov). You may also contact Mr. Aguilar to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require us to collect the information.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

The Secretary of the United States Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary's responsibility, under various laws, is to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected under those laws. ONRR performs the royalty management functions for the Secretary.

We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at [http://www.onrr.gov/Laws\\_R\\_D/PubLaws/default.htm](http://www.onrr.gov/Laws_R_D/PubLaws/default.htm).

Indian tribes and individual Indian mineral owners receive all royalties generated from their lands. Determining product valuation is essential to ensure that Indian tribes and individual Indian mineral owners receive payment on the full value of the minerals removed from their lands. Failure to collect the data described in this information collection could result in the undervaluation of leased minerals on Indian lands.

##### *Indian Oil*

Regulations at 30 CFR part 1206, subpart B, govern the valuation for royalty purposes of all oil produced from Indian oil and gas leases (tribal and allotted), except leases on the Osage Indian Reservation, and are consistent with mineral leasing laws, other applicable laws, and lease terms. Generally, the regulations provide that lessees determine the value of oil based upon the higher of (1) the gross proceeds under an arm's-length

contract; or (2) major portion analysis. The value determined by the lessee may be eligible for a transportation allowance.

From information collected on Form ONRR-4110, Oil Transportation Allowance Report, ONRR and tribal audit personnel evaluate (1) whether lessee-reported transportation allowances are within regulatory allowance limitations and calculated in accordance with applicable regulations; and (2) whether the lessees reported and paid the proper amount of royalties.

##### *Indian Gas*

Regulations at 30 CFR part 1206, subpart E, govern the valuation for royalty purposes of natural gas produced from Indian oil and gas leases (tribal and allotted). The regulations apply to all gas production from Indian oil and gas leases, except leases on the Osage Indian Reservation.

Most Indian leases contain the requirement to perform accounting for comparison (dual accounting) for gas produced from the lease. Lessees must elect to perform actual dual accounting as defined in 30 CFR 1206.176 or alternative dual accounting as defined in 30 CFR 1206.173. Lessees use Form ONRR-4410, Accounting for Comparison [Dual Accounting], to certify that dual accounting is not required on an Indian lease or to make an election for actual or alternative dual accounting for Indian leases.

The regulations require lessees to submit Form ONRR-4411, Safety Net Report, when gas production from an Indian oil or gas lease is sold beyond the first index pricing point. The safety net calculation establishes the minimum value, for royalty purposes, of natural gas production from Indian oil and gas leases. This reporting requirement ensures that Indian lessors receive all royalties due and aids ONRR compliance efforts.

From information collected on Form ONRR-4295, Gas Transportation Allowance Report, ONRR and tribal audit personnel evaluate (1) whether lessee-reported transportation allowances are within regulatory allowance limitations and calculated in accordance with applicable regulations; and (2) whether the lessees reported and paid the proper amount of royalties.

From information collected on Form ONRR-4109, Gas Processing Allowance Summary Report, ONRR and tribal audit personnel evaluate (1) whether lessee-reported processing allowances are within regulatory allowance limitations and calculated in accordance with applicable regulations; and (2) whether

the lessees reported and paid the proper amount of royalties.

##### *Indian Oil and Gas*

Form ONRR-4393, Request to Exceed Regulatory Allowance Limitation, is used for both Federal and Indian leases. Most of the burden hours are incurred on Federal leases; therefore, the form is approved under ICR 1012-0005, pertaining to Federal oil and gas leases. However, we include a discussion of the form in this ICR, as well as the burden hours for Indian leases. To request permission to exceed a regulatory allowance limit, lessees must (1) submit a letter to ONRR explaining why a higher allowance limit is necessary; and (2) provide supporting documentation, including a completed Form ONRR-4393. This form provides ONRR with the data necessary to make a decision whether to approve or deny the request and track deductions on royalty reports.

##### *OMB Approval*

ONRR will request OMB approval to continue to collect this information. If ONRR does not collect this information, this would limit the Secretary's ability to discharge fiduciary duties and may also result in the inability to confirm the accurate royalty value. ONRR protects the proprietary information that we receive, and we do not collect items of a sensitive nature.

ONRR requires lessees to respond to this ICR because the information collected is essential in order to determine when net profit share payments are due and to ensure that lessees properly value and pay royalties or net profit share payments. The requirement to respond is mandatory for Form ONRR-4410, Accounting for Comparison [Dual Accounting], and Form ONRR-4411, Safety Net Report, under certain circumstances. And, the lessees are required to submit Forms ONRR-4109, ONRR-4110, and ONRR-4295 in order to obtain a benefit.

##### **II. Data**

*Title:* 30 CFR parts 1202, 1206, and 1207, Indian Oil and Gas Valuation.

*OMB Control Number:* 1012-0002.

*Bureau Form Number:* Forms ONRR-4109, ONRR-4110, ONRR-4295, ONRR-4410, and ONRR-4411.

*Frequency of Response:* Annually and on occasion.

*Estimated Number and Description of Respondents:* 148 Indian lessees.

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* 2,269 hours.

We have not included in our estimates certain requirements performed in the normal course of

business and considered usual and the estimated burden hours by CFR  
customary. The following chart shows section and paragraph:

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Part 1202—ROYALTIES Subpart C—Federal and Indian Oil				
1202.101 .....	Standards for reporting and paying royalties ..... Oil volumes are to be reported in barrels of clean oil of 42 standard U.S. gallons (231 cubic inches each) at 60 °F. . . .	Burden covered under OMB Control Number 1012–0004 (expires 12/31/2012). Burden covered under § 1210.52.		
Subpart J—Gas Production From Indian Leases				
1202.551(b) .....	How do I determine the volume of production for which I must pay royalty if my lease is not in an approved Federal unit or communitization agreement (AFA)? (b) You and all other persons paying royalties on the lease must report and pay royalties based on your takes. . . .	Burden covered under OMB Control Number 1012–0004. Burden covered under § 1210.52.		
1202.551(c) .....	(c) You and all other persons paying royalties on the lease may ask ONRR for permission. . . . to report entitlements . . .	1	1	1
1202.558(a) and (b) ....	What standards do I use to report and pay royalties on gas? ..... (a) You must report gas volumes as follows: . . . ..... (b) You must report residue gas and gas plant product volumes as follows: . . .	Burden covered under OMB Control Number 1012–0004. Burden covered under § 1210.52.		
Part 1206—PRODUCT VALUATION Subpart B—Indian Oil				
1206.56(b)(2) .....	Transportation allowances—general ..... (b)(2) Upon request of a lessee, ONRR may approve a transportation allowance deduction in excess of the limitation prescribed by paragraph (b)(1) of this section. . . . An application for exception (using Form ONRR–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for ONRR to make a determination. . . .	4	1	4
1206.57(a)(1)(i) .....	Determination of transportation allowances ..... (a) <i>Arm’s-length transportation contracts</i> . (1)(i) . . . The lessee shall have the burden of demonstrating that its contract is arm’s-length.	AUDIT PROCESS. See note.		
1206.57(a)(1)(i) .....	(a) <i>Arm’s-length transportation contracts</i> ..... (1)(i) . . . Before any deduction may be taken, the lessee must submit a completed page one of Form ONRR–4110 (and Schedule 1), Oil Transportation Allowance Report . . .	Burden covered under § 1206.57(c)(1)(i) and (iii).		
1206.57(a)(1)(iii) .....	(a) <i>Arm’s-length transportation contracts</i> ..... (1)(iii) . . . When ONRR determines that the value of the transportation may be unreasonable, ONRR will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee’s transportation costs.	AUDIT PROCESS. See note.		
1206.57(a)(2)(i) .....	(a) <i>Arm’s-length transportation contracts</i> ..... (2)(i) . . . Except as provided in this paragraph, no allowance may be taken for the costs of transporting lease production which is not royalty-bearing without ONRR approval.	Burden covered under § 1206.57(a)(3).		
1206.57(a)(2)(ii) .....	(a) <i>Arm’s-length transportation contracts</i> ..... (2)(ii) Notwithstanding the requirements of paragraph (i), the lessee may propose to ONRR a cost allocation method on the basis of the values of the products transported. . . .	20	1	20
1206.57(a)(3) .....	(a) <i>Arm’s-length transportation contracts</i> ..... (3) If an arm’s-length transportation contract includes both gaseous and liquid products, and the transportation costs attributable to each product cannot be determined from the contract, the lessee shall propose an allocation procedure to ONRR. . . . The lessee shall submit all available data to support its proposal. . . .	40	1	40

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.57(b)(1) .....	(b) <i>Non-arm's-length or no contract</i> ..... (1) . . . A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form ONRR-4110 is filed with ONRR, unless ONRR approves a longer period upon a showing of good cause by the lessee. . . .	Burden covered under § 1206.57(c)(2)(i) and (iii).		
1206.57(b)(1) .....	(b) <i>Non-arm's-length or no contract</i> ..... (1) . . . When necessary or appropriate, ONRR may direct a lessee to modify its actual transportation allowance deduction.	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		
1206.57(b)(2)(iv) .....	(b) <i>Non-arm's-length or no contract</i> ..... (2)(iv) . . . After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of ONRR.	20	1	20
1206.57(b)(2)(iv)(A) ....	(b) <i>Non-arm's-length or no contract</i> ..... (2)(iv)(A) . . . After an election is made, the lessee may not change methods without ONRR approval. . . .	20	1	20
1206.57(b)(3)(i) .....	(b) <i>Non-arm's-length or no contract</i> ..... (3)(i) . . . Except as provided in this paragraph, the lessee may not take an allowance for transporting lease production which is not royalty bearing without ONRR approval.	40	1	40
1206.57(b)(3)(ii) .....	(b) <i>Non-arm's-length or no contract</i> ..... (3)(ii) Notwithstanding the requirements of paragraph (i), the lessee may propose to ONRR a cost allocation method on the basis of the values of the products transported. . . .	20	1	20
1206.57(b)(4) .....	(b) <i>Non-arm's-length or no contract</i> ..... (4) Where both gaseous and liquid products are transported through the same transportation system, the lessee shall propose a cost allocation procedure to ONRR. . . . The lessee shall submit all available data to support its proposal. . . .	20	1	20
1206.57(b)(5) .....	(b) <i>Non-arm's-length or no contract</i> ..... (5) A lessee may apply to ONRR for an exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) through (b)(4) of this section. . . .	20	1	20
1206.57(c)(1)(i) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (i) With the exception of those transportation allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form ONRR-4110 (and Schedule 1), Oil Transportation Allowance Report, prior to, or at the same time as, the transportation allowance determined, under an arm's-length contract, is reported on Form ONRR-2014, Report of Sales and Royalty Remittance. . . .	4	1	4
1206.57(c)(1)(iii) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form ONRR-4110 (and Schedule 1) within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless ONRR approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	4	1	4
1206.57(c)(1)(iv) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (iv) ONRR may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents. Documents shall be submitted within a reasonable time, as determined by ONRR.	AUDIT PROCESS. See note.		

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.57(c)(2)(i) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (i) With the exception of those transportation allowances specified in paragraphs (c)(2)(v), (c)(2)(vii) and (c)(2)(viii) of this section, the lessee shall submit an initial Form ONRR-4110 prior to, or at the same time as, the transportation allowance determined under a non-arm's-length contract or no-contract situation is reported on Form ONRR-2014. . . . The initial report may be based upon estimated costs.	6	1	6
1206.57(c)(2)(iii) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form ONRR-4110 containing the actual costs for the previous reporting period. If oil transportation is continuing, the lessee shall include on Form ONRR-4110 its estimated costs for the next calendar year. . . . ONRR must receive the Form ONRR-4110 within 3 months after the end of the previous reporting period, unless ONRR approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	6	1	6
1206.57(c)(2)(iv) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (iv) For new transportation facilities or arrangements, the lessee's initial Form ONRR-4110 shall include estimates of the allowable oil transportation costs for the applicable period. . . .	Burden covered under § 1206.57(c)(2)(i).		
1206.57(c)(2)(v) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (v) . . . only those allowances that have been approved by ONRR in writing . . .	Burden covered under § 1206.57(c)(2)(i).		
1206.57(c)(2)(vi) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (vi) Upon request by ONRR, the lessee shall submit all data used to prepare its Form ONRR-4110. The data shall be provided within a reasonable period of time, as determined by ONRR.	AUDIT PROCESS. See note.		
1206.57(c)(4) and (e)(2).	(c) <i>Reporting requirements</i> ..... (4) Transportation allowances must be reported as a separate line item on Form ONRR-2014, . . . (e) <i>Adjustments.</i> (2) For lessees transporting production from Indian leases, the lessee must submit a corrected Form ONRR-2014 to reflect actual costs, . . .	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		
1206.59 .....	May I ask ONRR for valuation guidance? ..... You may ask ONRR for guidance in determining value. You may propose a value method to ONRR. Submit all available data related to your proposal and any additional information ONRR deems necessary. . . .	20	1	20
1206.61(a) and (b) .....	What records must I keep and produce? ..... (a) On request, you must make available sales, volume, and transportation data for production you sold, purchased, or obtained from the field or area. You must make this data available to ONRR, Indian representatives, or other authorized persons. (b) You must retain all data relevant to the determination of royalty value. . . .	AUDIT PROCESS. See note.		

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
<b>Part 1206—PRODUCT VALUATION Subpart E—Indian Gas</b>				
1206.172(b)(1)(ii) .....	How do I value gas produced from leases in an index zone? ..... (b) <i>Valuing residue gas and gas before processing.</i> (1)(ii) Gas production that you certify on Form ONRR-4410, . . . is not processed before it flows into a pipeline with an index but which may be processed later; . . .	4	58	232
1206.172(e)(6)(i) and (iii).	(e) <i>Determining the minimum value for royalty purposes of gas sold beyond the first index pricing point.</i> (6)(i) You must report the safety net price for each index zone to ONRR on Form ONRR-4411, Safety Net Report, no later than June 30 following each calendar year; . . . (iii) ONRR may order you to amend your safety net price within one year from the date your Form ONRR-4411 is due or is filed, whichever is later. . . .	3	11	33
1206.172(e)(6)(ii) .....	(e) <i>Determining the minimum value for royalty purposes of gas sold beyond the first index pricing point.</i> (6)(ii) You must pay and report on Form ONRR-2014 additional royalties due no later than June 30 following each calendar year; . . .	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		
1206.172(f)(1)(ii), (f)(2), and (f)(3).	(f ) <i>Excluding some or all tribal leases from valuation under this section.</i> (1) An Indian tribe may ask ONRR to exclude some or all of its leases from valuation under this section. . . . (ii) If an Indian tribe requests exclusion from an index zone for less than all of its leases, ONRR will approve the request only if the excluded leases may be segregated into one or more groups based on separate fields within the reservation. (2) An Indian tribe may ask ONRR S to terminate exclusion of its leases from valuation under this section. . . . (3) The Indian tribe's request to ONRR under either paragraph (f)(1) or (2) of this section must be in the form of a tribal resolution. . . .	40	1	40
1206.173(a)(1) .....	How do I calculate the alternative methodology for dual accounting? (a) <i>Electing a dual accounting method.</i> (1) . . . You may elect to perform the dual accounting calculation according to either § 1206.176(a) (called actual dual accounting), or paragraph (b) of this section (called the alternative methodology for dual accounting).	2	12	24
1206.173(a)(2) .....	(a) <i>Electing a dual accounting method</i> ..... (2) You must make a separate election to use the alternative methodology for dual accounting for your Indian leases in each ONRR S-designated area. . . .	Burden covered under § 1206.173(a)(1).		
1206.174(a)(4)(ii) .....	How do I value gas production when an index-based method cannot be used? (a) <i>Situations in which an index-based method cannot be used.</i> (4)(ii) If the major portion value is higher, you must submit an amended Form ONRR-2014 to ONRR by the due date specified in the written notice from ONRR of the major portion value. . . .	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		



## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.174(b)(1)(i) and (iii); (b)(2); (d)(2).	(b) <i>Arm's-length contracts</i> ..... (1)(i) You have the burden of demonstrating that your contract is arm's-length. . . . (iii) . . . In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your value. . . . (2) ONRR may require you to certify that your arm's-length contract provisions include all of the consideration the buyer pays, either directly or indirectly, for the gas, residue gas, or gas plant product. (d) <i>Supporting data</i> . (2) You must make all such data available upon request to the authorized ONRR or Indian representatives, to the Office of the Inspector General of the Department, or other authorized persons. . . .	AUDIT PROCESS. See note.		
1206.174(d) .....	(d) <i>Supporting data</i> . If you determine the value of production under paragraph (c) of this section, you must retain all data relevant to determination of royalty value.	Burden covered under OMB Control Number 1012–0004.		
1206.174(f) .....	(f) <i>Value guidance</i> . You may ask ONRR for guidance in determining value. You may propose a valuation method to ONRR. Submit all available data related to your proposal and any additional information ONRR deems necessary. . . .	40	1	40
1206.175(d)(4) .....	How do I determine quantities and qualities of production for computing royalties? (d)(4) You may request ONRR approval of other methods for determining the quantity of residue gas and gas plant products allocable to each lease. . . .	20	1	20
1206.176(b) .....	How do I perform accounting for comparison? ..... (b) If you are required to account for comparison, you may elect to use the alternative dual accounting methodology provided for in § 1206.173 instead of the provisions in paragraph (a) of this section.	Burden covered under § 1206.173(a)(1).		
1206.176(c) .....	(c) . . . If you do not perform dual accounting, you must certify to ONRR that gas flows into such a pipeline before it is processed.	Burden covered under § 1206.172(b)(1)(ii).		
Transportation Allowances				
1206.177(c)(2) and (c)(3).	What general requirements regarding transportation allowances apply to me? (c)(2) If you ask ONRR, ONRR may approve a transportation allowance deduction in excess of the limitation in paragraph (c)(1) of this section. . . . (3) Your application for exception (using Form ONRR–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for ONRR to make a determination.	Burden covered under § 1206.56(b)(2).		
1206.178(a)(1)(i) .....	How do I determine a transportation allowance? ..... (a) <i>Determining a transportation allowance under an arm's-length contract</i> . (1)(i) . . . You are required to submit to ONRR a copy of your arm's-length transportation contract(s) and all subsequent amendments to the contract(s) within 2 months of the date ONRR receives your report which claims the allowance on the Form ONRR–2014.	1	18	18

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.178(a)(1)(iii) .....	(a) <i>Determining a transportation allowance under an arm's-length contract.</i> (1)(iii) If ONRR determines that the consideration paid under an arm's-length transportation contract does not reflect the value of the transportation because of misconduct by or between the contracting parties . . . In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your transportation costs.	AUDIT PROCESS. See note.		
1206.178(a)(2)(i) and (ii).	(a) <i>Determining a transportation allowance under an arm's-length contract.</i> (2)(i) . . . you cannot take an allowance for the costs of transporting lease production that is not royalty bearing without ONRR approval, or without lessor approval on tribal leases. (ii) As an alternative to paragraph (a)(2)(i) of this section, you may propose to ONRR a cost allocation method based on the values of the products transported. . . .	20	1	20
1206.178(a)(3)(i) and (ii).	(a) <i>Determining a transportation allowance under an arm's-length contract.</i> (3)(i) If your arm's-length transportation contract includes both gaseous and liquid products and the transportation costs attributable to each cannot be determined from the contract, you must propose an allocation procedure to ONRR. . . . (ii) You are required to submit all relevant data to support your allocation proposal. . . .	40	1	40
1206.178(b)(1)(ii) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (1)(ii) . . . You must submit the actual cost information to support the allowance to ONRR on Form ONRR-4295, Gas Transportation Allowance Report, within 3 months after the end of the 12-month period to which the allowance applies. . . .	15	5	75
1206.178(b)(2)(iv) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (2)(iv) You may use either depreciation with a return on undepreciated capital investment or a return on depreciable capital investment. . . . you may not later elect to change to the other alternative without ONRR approval.	20	1	20
1206.178(b)(2)(iv)(A) ..	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (2)(iv)(A) . . . Once you make an election, you may not change methods without ONRR approval. . . .	20	1	20
1206.178(b)(3)(i) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (3)(i) . . . Except as provided in this paragraph, you may not take an allowance for transporting a product that is not royalty bearing without ONRR approval.	40	1	40
1206.178(b)(3)(ii) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (3)(ii) As an alternative to the requirements of paragraph (b)(3)(i) of this section, you may propose to ONRR a cost allocation method based on the values of the products transported. . . .	20	1	20
1206.178(b)(5) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (5) If you transport both gaseous and liquid products through the same transportation system, you must propose a cost allocation procedure to ONRR. . . . You are required to submit all relevant data to support your proposal. . . .	40	1	40
1206.178(d)(1) .....	(d) <i>Reporting your transportation allowance</i> ..... (1) If ONRR requests, you must submit all data used to determine your transportation allowance . . .	AUDIT PROCESS. See note.		

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.178(d)(2), (e), and (f)(1).	(d) <i>Reporting your transportation allowance</i> ..... (2) You must report transportation allowances as a separate entry on Form ONRR-2014. . . . (e) <i>Adjusting incorrect allowances.</i> If for any month the transportation allowance you are entitled to is less than the amount you took on Form ONRR-2014, you are required to report and pay additional royalties due, plus interest computed under 30 CFR 1218.54 from the first day of the first month you deducted the improper transportation allowance until the date you pay the royalties due. . . . (f) <i>Determining allowable costs for transportation allowances.</i> . . . (1) <i>Firm demand charges paid to pipelines.</i> . . . You must modify the Form ONRR-2014 by the amount received or credited for the affected reporting period.	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		
Processing Allowances				
1206.180(a)(1)(i) .....	How do I determine an actual processing allowance? ..... (a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (1)(i) . . . You have the burden of demonstrating that your contract is arm's-length. You are required to submit to ONRR a copy of your arm's-length contract(s) and all subsequent amendments to the contract(s) within 2 months of the date ONRR receives your first report that deducts the allowance on the Form ONRR-2014.	1	2	2
1206.180(a)(1)(iii) .....	(a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (1)(iii) If ONRR determines that the consideration paid under an arm's-length processing contract does not reflect the value of the processing because of misconduct by or between the contracting parties . . . In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your processing costs.	AUDIT PROCESS. See note.		
1206.180(a)(3) .....	(a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (3) If your arm's-length processing contract includes more than one gas plant product and the processing costs attributable to each product cannot be determined from the contract, you must propose an allocation procedure to ONRR. . . . You are required to submit all relevant data to support your proposal. . . .	40	1	40
1206.180(b)(1)(ii) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (1)(ii) . . . You must submit the actual cost information to support the allowance to ONRR on Form ONRR-4109, Gas Processing Allowance Summary Report, within 3 months after the end of the 12-month period for which the allowance applies. . . .	20	12	1200
1206.180(b)(2)(iv) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (2)(iv) You may use either depreciation with a return on undepreciable capital investment or a return on depreciable capital investment. . . . you may not later elect to change to the other alternative without ONRR approval.	20	1	20
1206.180(b)(2)(iv) (A)	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (2)(iv)(A) . . . Once you make an election, you may not change methods without ONRR approval. . . .	20	1	20
1206.180(b)(3) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (3) Your processing allowance under this paragraph (b) must be determined based upon a calendar year or other period if you and ONRR agree to an alternative.	20	1	20

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1206.180(c)(1) .....	(c) <i>Reporting your processing allowance</i> ..... (1) If ONRR requests, you must submit all data used to determine your processing allowance. . . .	AUDIT PROCESS. See note.		
1206.180(c)(2) and (d)	(c) <i>Reporting your processing allowance</i> ..... (2) You must report gas processing allowances as a separate entry on the Form ONRR-2014. . . . (d) <i>Adjusting incorrect processing allowances.</i> If for any month the gas processing allowance you are entitled to is less than the amount you took on Form ONRR-2014, you are required to pay additional royalties, plus interest computed under 30 CFR 1218.54 from the first day of the first month you deducted a processing allowance until the date you pay the royalties due. . . .	Burden covered under OMB Control Number 1012-0004. Burden covered under § 1210.52.		
1206.181(c) .....	How do I establish processing costs for dual accounting purposes when I do not process the gas? (c) A proposed comparable processing fee submitted to either the tribe and ONRR (for tribal leases) or ONRR (for allotted leases) with your supporting documentation submitted to ONRR. If ONRR does not take action on your proposal within 120 days, the proposal will be deemed to be denied and subject to appeal to the ONRR Director under 30 CFR part 1290.	40	1	40

**PART 1207—SALES AGREEMENTS OR CONTRACTS GOVERNING THE DISPOSAL OF LEASE PRODUCTS**  
**Subpart A—General Provisions**

1207.4(b) .....	Contracts made pursuant to old form leases ..... (b) The stipulation, the substance of which must be included in the contract, or be made the subject matter of a separate instrument properly identifying the leases affected thereby, is as follows . . .	AUDIT PROCESS. See note.		
1207.5 .....	Contract and sales agreement retention ..... Copies of all sales contracts, posted price bulletins, etc., and copies of all agreements, other contracts, or other documents which are relevant to the valuation of production are to be maintained by the lessee and made available upon request during normal working hours to authorized ONRR, State or Indian representatives, other ONRR or BLM officials, auditors of the General Accounting Office, or other persons authorized to receive such documents, or shall be submitted to ONRR within a reasonable period of time, as determined by ONRR. Any oral sales arrangement negotiated by the lessee must be placed in written form and retained by the lessee. Records shall be retained in accordance with 30 CFR part 1212.	AUDIT PROCESS. See note.		
Total Burden .....	.....		148	2,269

**Note:** AUDIT PROCESS—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.

*Estimated Annual Reporting and Recordkeeping “Non-hour” Cost Burden:* We have identified no “non-hour” cost burdens.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor—and a person is not required to respond to—a collection of information unless it displays a currently valid OMB control number.

### III. Request for Comments

Section 3506(c)(2)(A) of the PRA requires each agency to “. . . provide 60-day notice in the **Federal Register** . . . and otherwise consult with

members of the public and affected agencies concerning each proposed collection of information . . .” Agencies must specifically solicit comments to: (1) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (2) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) enhance the quality, usefulness, and clarity of the information that ONRR collects; and (4) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting “non-hour cost” burden to respondents or record-keepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods that you use to estimate (1) major cost factors, including system and technology acquisition, (2) expected useful life of capital equipment, (3) discount rate(s), and (4) the period over which you incur costs.

Capital and startup costs include, among other items, computers and software that you purchase to prepare for collecting information and monitoring, sampling, and testing equipment, and record-storage facilities. Generally, your estimates should not include equipment or services purchased (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Federal Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you, free of charge, upon request. We also will post the ICR at [http://www.onrr.gov/Laws\\_R\\_D/FRNotices/ICR0103.htm](http://www.onrr.gov/Laws_R_D/FRNotices/ICR0103.htm).

**Public Comment Policy:** ONRR will post all comments, including names and addresses of respondents at <http://www.regulations.gov>. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so.

Dated: March 3, 2015.

**Gregory J. Gould,**  
*Director, Office of Natural Resources Revenue.*

[FR Doc. 2015-05854 Filed 3-13-15; 8:45 am]

**BILLING CODE 4335-30-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-893]

### Certain Flash Memory Chips and Products Containing the Same Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety Based Upon Settlement; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to

review an initial determination ("ID") (Order No. 78) of the presiding administrative law judge ("ALJ") granting a joint motion by complainant and respondents to terminate the investigation in its entirety based upon settlement.

#### FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 9, 2013, based on a complaint filed by Spansion, LLC of Sunnyvale, California ("Spansion"). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash memory chips and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,900,124; 7,018,922; 6,369,416; 7,151,027; 6,459,625; and 6,731,536. *See* 78 Fed. Reg. 55095 (Sept. 9, 2013). The notice of investigation named the following respondents: Macronix International Co, Ltd., of Hsin-chu, Taiwan; Macronix America, Inc., of Milpitas, California; Macronix Asia Limited of Kanagawa Pref., Japan; Macronix (Hong Kong) Co., Ltd., of Sha Tin, N.T., Hong Kong; Acer Inc. of New Taipei City, Taiwan; Acer America Corporation of San Jose, California; ASUSTek Computer Inc. of Taipei, Taiwan; Asus Computer International of Fremont, California; Belkin International, Inc., of Playa Vista, California; D-Link Corporation of Taipei City, Taiwan; D-Link System, Inc., of Fountain Valley, California; Netgear Inc., San Jose, California; Nintendo Co., Ltd., of Kyoto, Japan; and Nintendo of

America, Inc., of Redmond, Washington (collectively, "Respondents").

On January 29, 2015, Spansion and Respondents filed a joint motion to terminate the investigation in its entirety based upon the execution of a settlement agreement. On February 9, 2015, the Commission investigative attorney filed a response in support of termination. No other responses to the motion were filed.

On February 11, 2015, the ALJ issued the subject ID, granting the joint motion to terminate the investigation in its entirety. The ALJ found that the settlement agreement complies with the requirements of Commission Rule 210.21(b) (19 CFR 210.21(b)) and that terminating Respondents from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: March 10, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-05812 Filed 3-13-15; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-948]

### Certain Toy Figurines and Toy Sets Containing the Same

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 6, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of LEGO A/S of Denmark; LEGO System A/S of Denmark; and LEGO Systems, Inc. of Enfield, Connecticut.

**SUPPLEMENTARY INFORMATION:** Letters supplementing the complaint were filed on February 18, 2015 and March 10, 2015. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toy figurines and

toy sets containing the same by reason of infringement of U.S. Design Patent No. D682,367 ("the '367 patent"); U.S. Design Patent No. D678,432 ("the '432 patent"); U.S. Design Patent No. D689,568 ("the '568 patent"); U.S. Design Patent No. D672,413 ("the '413 patent"); U.S. Copyright Registration No. VA 1-876-291 ("the '291 copyright"); U.S. Copyright Registration No. VA 1-876-279 (the '279 copyright"); U.S. Copyright Registration No. VA 1-876-378 ("the '378 copyright"); and U.S. Copyright Registration No. VA 1-876-373 ("the '373 copyright"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on March 10, 2015, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of

section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain toy figurines and toy sets containing the same by reason of infringement of one or more of the claim of the '367 patent; the claim of the '432 patent; the claim of the '568 patent; the claim of the '413 patent; the '291 copyright; the '279 copyright; the '378 copyright; and the '373 copyright, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

LEGO A/S, Aastvej 1, DK-7190, Billund, Denmark.

LEGO System A/S, Aastvej 1, DK-7190, Billund, Denmark.

LEGO Systems, Inc., 555 Taylor Road, Enfield, CT 06082.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: La Rose Industries LLC d/b/a CRA-Z-Art, 1578 Sussex Turnpike, Randolph, NJ 07869.

MEGA Brands, Inc., 4505 Hickmore, Montreal, Quebec, Canada H4T 1K4. Best-Lock Construction Toys, Inc., Suite 300, Rivergate Plaza, 444 Brickell Avenue, Miami, FL 33131.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the

allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 11, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-05920 Filed 3-13-15; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Variable Valve Actuation Devices and Automobiles Containing the Same, DN 3063*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*<sup>1</sup>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC*.<sup>2</sup> The public record for this investigation may be viewed on

<sup>1</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

<sup>2</sup> United States International Trade Commission (USITC): <http://edis.usitc.gov>.

the Commission's Electronic Document Information System (EDIS) at EDIS.<sup>3</sup> Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Jacobs Vehicle Systems, Inc. on March 10, 2015. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain variable valve actuation devices and automobiles containing the same. The complaint names as respondents FCA US LLC of Auburn Hills, MI; FCA México, S.A. de C.V. of México D.F.; Sata-Società Automobilistica Tecnologie Avanzate S.p.A. of Italy; Fiat Automobili Srbija Doo of Serbia; and Fiat Chrysler Automobiles N.V. of United Kingdom. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the

subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3063") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*.<sup>4</sup>) Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>5</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

<sup>4</sup> Handbook for Electronic Filing Procedures: [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf).

<sup>5</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

Issued: March 10, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-05898 Filed 3-13-15; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act

On March 9, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Puerto Rico in the lawsuit *United States v. Total Petroleum Puerto Rico Corp.*, Civil Action No. 3:15-cv-01201.

This settlement resolves the United States' allegations that Defendant Total Petroleum Puerto Rico Corp. ("Total Puerto Rico") violated the Resource Conservation and Recovery ("Act") and the Puerto Rico Underground Storage Tank Control Regulations ("PRUSTR") at thirty-one facilities in Puerto Rico, and the Act and its implementing regulations set forth at 40 CFR part 280 at four facilities in the U.S. Virgin Islands, all of which contain underground storage tanks ("USTs") owned by Total Puerto Rico. The United States' claims against Total Puerto Rico stem from the company's alleged failure to report and investigate suspected releases; to monitor for releases; to provide adequate overfill prevention and corrosion protection equipment; to secure dispensers and lines when facilities are temporarily closed; to secure monitoring wells; and to maintain records of release detection monitoring.

The proposed Consent Decree resolves these allegations by requiring that Total Puerto Rico pay a \$426,000 penalty, implement injunctive relief valued at approximately \$1,000,000, and undertake a Supplemental Environmental Project ("SEP") valued at approximately \$600,000. As part of the injunctive relief, Total Puerto Rico will install, or upgrade to, fully automated electronic release detection monitoring equipment at 137 facilities with Total-owned USTs in active operation. This obligation to install automated release detection monitoring equipment, which provide the best available method of release detection, will extend to any additional facilities with actively operating USTs acquired by Total Puerto Rico after the date of lodging of the Consent Decree. As part of the SEP, Total Puerto Rico will install a centralized monitoring system (CMS) for at least 125 of its facilities with actively

<sup>3</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

operating USTs. The CMS technology will enable Total Puerto Rico to rapidly respond to potential releases because it transmits to and collects at one central location the information gathered from each facility equipped with electronic release detection monitoring equipment.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Total Petroleum Puerto Rico Corp.*, D.O.J. Ref. No. 90–7–1–10435. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$14.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$10.75.

**Maureen Katz,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2015–05917 Filed 3–13–15; 8:45 am]

BILLING CODE 4410–15–P

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Telecommunications Standard**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, “Telecommunications Standard,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 15, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201411-1218-006](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201411-1218-006) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Telecommunications Standard information collection. Regulations 29 CFR 1910.268(c) establishes the information collection requirements of the Telecommunications Standard and makes it mandatory for an employer to generate and maintain training certification records for all workers

covered by the Standard. Occupational Safety and Health Act of 1970 sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0225.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 25, 2014 (79 FR 57584).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0225. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,



electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–OSHA.

*Title of Collection:*

Telecommunications Standard.

*OMB Control Number:* 1218–0225.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 215,810.

*Total Estimated Number of Responses:* 215,810.

*Total Estimated Annual Time Burden:* 4,532 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: March 9, 2015.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2015–05848 Filed 3–13–15; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Servicing Multi-Piece and Single Piece Rim Wheels Standard**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, “Servicing Multi-Piece and Single Piece Rim Wheels Standard,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 15, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201501-1218-006](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201501-1218-006) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free

numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Servicing Multi-Piece and Single Piece Rim Wheels Standard information collection requirements codified in regulations 29 CFR 1910.177. The Standard includes a requirement for the manufacturer or a Registered Professional Engineer to certify that repaired restraining devices and barriers meet specified strength requirements and a requirement for defective wheels and wheel components be marked or tagged. The purpose of the requirement is to reduce workers’ risk of death or serious injury by ensuring that restraining devices used during the servicing of multi-piece rim wheels are in safe operating condition. Occupational Safety and Health Act of 1970 sections 2(b)(9), 6, and 8(c) authorize this information collection. See 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this

information collection under Control Number 1218–0219.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 7, 2014 (79 FR 60502).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0219. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–OSHA.

*Title of Collection:* Servicing Multi-Piece and Single Piece Rim Wheels Standard.

*OMB Control Number:* 1218–0219.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 8.

*Total Estimated Number of Responses:* 8.

*Total Estimated Annual Time Burden:* 1 hour.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: March 10, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015-05889 Filed 3-13-15; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Compensation Survey

**AGENCY:** Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, "National Compensation Survey," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 15, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201410-1220-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201410-1220-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

#### FOR FURTHER INFORMATION CONTACT:

Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks approval under the PRA for revisions to the National Compensation Survey information collection. Under the National Compensation Survey (NCS), the BLS conducts ongoing surveys of compensation and job characteristics. Data collected by the NCS are used to produce Employment Cost Trends, including the Employment Cost Index (ECI) and Employer Costs for Employee Compensation (ECEC), employee benefits data, and data used by the President's Pay Agent. This information collection has been classified as a revision, because of the NCS transition to a 3-year collection cycle. Under this cycle design for NCS, most private industry establishments only will be in the sample for 3 years compared to previously being in the survey 5 years. The Federal Employees Pay Comparability Act of 1990, Ethics Reform Act of 1989, and Bureau of Labor Statistics Enabling Statute authorize this collection. See 5 U.S.C. 5304, 5318, and 29 U.S.C. 2b.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220-0164. The current approval is scheduled to expire on April 30, 2015; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 5, 2014 (79 FR 65706).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of

publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220-0164. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Agency:** DOL-BLS.

**Title of Collection:** National Compensation Survey.

**OMB Control Number:** 1220-0164.

**Affected Public:** State, Local, and Tribal Governments; and Private sector—businesses and other for-profits and not-for-profit institutions.

**Total Estimated Number of Respondents:** 16,428.

**Total Estimated Number of Responses:** 53,831.

**Total Estimated Annual Time Burden:** 44,978 hours.

**Total Estimated Annual Other Costs Burden:** \$0.

Dated: March 9, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015-05847 Filed 3-13-15; 8:45 am]

BILLING CODE 4510-24-P

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act: Notice of Agency Meeting

**TIME AND DATE:** 10:00 a.m., Thursday, March 19, 2015.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314-3428

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Corporate Stabilization Fund Quarterly Report

2. NCUA's Rules and Regulations,  
Ownership of Fixed Assets.

**RECESS:** 10:45 a.m.

**TIME AND DATE:** 11:00 a.m., Thursday,  
March 19, 2015.

**PLACE:** Board Room, 7th Floor, Room  
7047, 1775 Duke Street, Alexandria, VA  
22314-3428.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel Action. Closed pursuant to Exemptions (2) and (6).
2. Personnel Action. Closed pursuant to Exemptions (2) and (6).

**FOR FURTHER INFORMATION CONTACT:**

Gerard Poliquin, Secretary of the Board,  
Telephone: 703-518-6304.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2015-06055 Filed 3-12-15; 04:15 pm]

**BILLING CODE 7535-01-P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB Review;  
Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. This is the second notice for public comment; the first was published in the **Federal Register** at 79 FR 66419, with a corrected notice published at 79 FR 68728, along with a notice published at 79 FR 78497 requesting comments on management fees for large facilities, and 48 comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: <http://www.reginfo.gov/public/do/PRAMain>.

Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703-292-7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**SUPPLEMENTARY INFORMATION:**

#### Summary of Comments on the National Science Foundation Proposal and Award Policies and Procedures Guide and NSF's Responses

The draft Large Facilities Manual was made available for review by the public on the NSF Web site at [http://www.nsf.gov/bfa/lfo/NSF\\_Large\\_Facilities\\_Manual\\_110414\\_1700-WM\\_\(for\\_OMB\).pdf](http://www.nsf.gov/bfa/lfo/NSF_Large_Facilities_Manual_110414_1700-WM_(for_OMB).pdf). In response to the **Federal Register** notice published December 30, 2014, at 79 FR 78497, NSF received 48 comments from 6 different institutions/individuals. This notice was published to receive comments for a revised subsection of the Large Facilities Manual, 4.2.2.2, "Management Fee." This management fee subsection will be incorporated into the revised *NSF Large Facility Manual*, which will be released following OMB approval of this information collection request. A summary of the comments is as follows: 48 responses were received from six different institutions/individuals, broken down by the following:

- 7 responses questioned alignment with an existing Federal Regulation/Policy/Guideline

- 25 suggested changes to the NSF-proposed Policy/Procedures; and
  - 16 provided general observations
- The full comments and NSF's response may be found via: <http://www.reginfo.gov/public/do/PRAMain>

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* "Large Facilities Manual".

*OMB Approval Number:* 3145-NEW.

*Expiration Date of Approval:* Not applicable.

*Type of Request:* Intent to seek approval to establish an information collection for three years.

#### Proposed Project

The National Science Foundation Act of 1950 (Pub. L. 81-507) set forth NSF's mission and purpose:

"To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. . . ."

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

Among Federal agencies, NSF is a leader in providing the academic community with advanced instrumentation needed to conduct state-of-the-art research and to educate the next generation of scientists, engineers and technical workers. The knowledge generated by these tools sustains U.S. leadership in science and engineering (S&E) to drive the U.S. economy and secure the future. NSF's responsibility is to ensure that the research and education communities have access to these resources, and to provide the support needed to utilize them optimally, and implement timely upgrades.

The scale of advanced instrumentation ranges from small research instruments to shared resources or facilities that can be used by entire communities. The demand for such instrumentation is very high, and is growing rapidly, along with the pace of discovery. For large facilities and shared infrastructure, the need is particularly high. This trend is expected to accelerate in the future as increasing numbers of researchers and educators rely on such large facilities,

instruments, and databases to provide the reach to make the next intellectual leaps.

NSF currently provides support for facility construction from two accounts: the Major Research Equipment and Facility Construction (MREFC) account, and the Research and Related Activities (R&RA) account. The MREFC account, established in FY 1995, is a separate budget line item that provides an agency-wide mechanism, permitting directorates to undertake large facility projects that exceed 10% of the Directorate's annual budget; or roughly \$100M or greater. Smaller projects continue to be supported from the R&RA Account.

Facilities are defined as shared-use infrastructure, instrumentation and equipment that are accessible to a broad community of researchers and/or educators. Facilities may be centralized or may consist of distributed installations. They may incorporate large-scale networking or computational infrastructure, multi-user instruments or networks of such instruments, or other infrastructure, instrumentation and equipment having a major impact on a broad segment of a scientific or engineering discipline. Historically, awards have been made for such diverse projects as accelerators, telescopes, research vessels and aircraft, and geographically distributed but networked sensors and instrumentation.

The growth and diversification of large facility projects require that NSF remain attentive to the ever-changing issues and challenges inherent in their planning, construction, operation, management and oversight. Most importantly, dedicated, competent NSF and awardee staff are needed to manage and oversee these projects; giving the attention and oversight that good practice dictates and that proper accountability to taxpayers and Congress demands. To this end, there is also a need for consistent, documented requirements and procedures to be understood and used by NSF program managers and awardees for all such large projects.

*Use of the Information:* Facilities are an essential part of the science and engineering enterprise, and supporting them is one major responsibility of the National Science Foundation (NSF). NSF makes awards to external entities—primarily universities, consortia of universities or non-profit organizations—to undertake construction, management and operation of facilities. Such awards frequently take the form of cooperative agreements. NSF does not directly construct or operate the facilities it

supports. However, NSF retains responsibility for overseeing their development, management and successful performance. The Large Facilities Manual is intended to:

- Provide step-by-step guidance for NSF staff and awardees to carry out effective project planning, management and oversight of large facilities while considering the varying requirements of a diverse portfolio;

- Clearly state the policies, processes and procedures pertinent at each stage of a facility's life cycle from development through construction, operations, and termination; and

- Document and disseminate "best practices" identified over time so that NSF and awardees can carry out their responsibilities more effectively.

This version of the Large Facilities Manual reflects recent changes in organization and formatting to improve readability and facilitate period revision. It also up-dates sections related to contingency and cost estimating requirements. The Manual does not replace existing formal procedures required for all NSF awards, which are described in the *Grant Proposal Guide* and *The Award and Administration Guide*. Instead, it draws upon and supplements them for the purpose of providing detailed guidance regarding NSF management and oversight of facilities projects. All facilities projects require merit and technical review, as well as approval of certain deliverables. The level of review and approval varies substantially from standard grants, as does the level of oversight needed to ensure appropriate and proper accountability for federal funds. The requirements, recommended procedures and best practices presented in the Manual apply to any facility significant enough to require close and substantial interaction with the Foundation and the National Science Board.

This Manual will be updated periodically to reflect changes in requirements, policies and/or procedures. Award Recipients are expected to monitor and adopt the requirements and best practices included in the Manual which are aimed at improving management and oversight of large facilities projects and at enabling the most efficient and cost-effective delivery of tools to the research and education communities.

The submission of proposals and subsequent project documentation to the Foundation related to the development, construction and operations of Large Facilities is part of the collection of information. This information is used to help NSF fulfill

this responsibility in supporting merit-based research and education projects in all the scientific and engineering disciplines. The Foundation also has a continuing commitment to provide oversight on facilities development and construction which must be balanced against monitoring its information collection so as to identify and address any excessive reporting burdens.

NSF has approximately twenty-two (22) Large Facilities in various stages of development, construction, operations and termination. One to two (1 to 2) new awards are made approximately every five (5) years based on science community infrastructure needs and availability of funding. Of the twenty-two large facilities, there are approximately eight (8) facilities annually that are either in development or construction. These stages require the highest level of reporting and management documentation per the Large Facilities Manual.

*Burden to the Public:* The Foundation estimates that an average of three (3) Full Time Equivalents (FTEs) are necessary for each facility project in development or construction (Total Project Cost of \$200–\$500M) to respond to NSF routine reporting and project management documentation requirements on an annual basis; or 6240 hours per year. The Foundation estimates an average of one (1) FTE for a facility in operations; or 2080 hours per year. Assuming an average of eight (8) facilities in construction and the balance in operations, this equates to roughly 80,000 public burden hours annually.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2015–05875 Filed 3–13–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483; NRC–2012–0001]

### License Renewal for Callaway Plant, Unit 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal and record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued renewed facility operating license No. NPF–30 to Union Electric Company (dba Ameren Missouri or the licensee), the operator of the Callaway Plant, Unit 1 (Callaway). Renewed facility operating license No.

NPF-30 authorizes operation of Callaway by the licensee at reactor core power levels not in excess of 3565 megawatts thermal, in accordance with the provisions of the Callaway renewed license and technical specifications. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to renew facility operating license No. NPF-30.

**DATES:** The license renewal of facility operating license No. NPF-30 was effective on March 6, 2015.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0001 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0001. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** John Daily, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-3873; email: [John.Daily@nrc.gov](mailto:John.Daily@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the NRC has issued renewed facility operating license No. NPF-30 to Union Electric Company, the operator of Callaway. Renewed facility operating license No. NPF-30 authorizes operation of Callaway by the licensee at reactor core power levels not

in excess of 3565 megawatts thermal, in accordance with the provisions of the Callaway renewed license and technical specifications. The NRC's ROD that supports the NRC's decision to renew facility operating license No. NPF-30 is available in ADAMS under Accession No. ML14302A238. As discussed in the ROD and the final supplemental environmental impact statement (FSEIS) for Callaway, Supplement 51 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Callaway Plant, Unit 1," dated October 2014 (ADAMS Accession No. ML14289A140), the NRC has considered a range of reasonable alternatives that included natural gas combined-cycle, supercritical pulverized coal, new nuclear, wind power, energy efficiency measures, and the no action alternative. The ROD and FSEIS document the NRC decision for the environmental review that the adverse environmental impacts of license renewal for Callaway are not so great that preserving the option of license renewal for energy planning decisionmakers would be unreasonable.

Callaway, Unit 1, is a pressurized water reactor located in Callaway County, Missouri. The application for the renewed license, "Callaway Plant, Unit 1, License Renewal Application," dated December 15, 2011, as supplemented by letters dated through June 20, 2014 (ADAMS Accession No. ML113530372), complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and the NRC's regulations in chapter 1 of title 10 of the *Code of Federal Regulations*, the NRC has made appropriate findings, which are set forth in the license. A public notice of the proposed issuance of the renewed license and an opportunity for a hearing was published in the **Federal Register** on February 24, 2012 (77 FR 11173).

For further details with respect to this action, see: (1) Union Electric Company's (dba Ameren Missouri) license renewal application for Callaway Plant, Unit 1 dated December 15, 2011, as supplemented by letters dated through June 20, 2014; (2) the NRC's safety evaluation report published in August 2014 (ADAMS Accession No. ML14232A380); (3) the NRC's final environmental impact statement (NUREG-1437, Supplement 51), for Callaway, Unit 1, published in October 2014; and (4) the NRC's ROD.

Dated at Rockville, Maryland, this 6th day of March, 2015.

For the Nuclear Regulatory Commission.  
**Christopher G. Miller,**  
*Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015-05990 Filed 3-13-15; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 20, 2015, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance, with the exception of portions that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552(c)(4). The agenda for the subject meeting shall be as follows:

**Friday, March 20, 2015—1:00 p.m. Until 5:00 p.m.**

The Subcommittee will review Topical Report NEDE-33766P, "GEH Simplified Stability Solution" (GS3). The Subcommittee will hear presentations by and hold discussions with the NRC staff, General Electric-Hitachi, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Zena Abdullahi (Telephone 301-415-8716 or Email: [Zena.Abdullahi@nrc.gov](mailto:Zena.Abdullahi@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were

published in the **Federal Register** on October 13, 2014 (79 FR59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO.

Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: March 9, 2015.

**Mark L. Banks,**

*Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2015-05980 Filed 3-13-15; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena**

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 18, 2015, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance, with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552(c)(4). The agenda for the subject meeting shall be as follows:

**Wednesday, March 18, 2015—8:30 a.m. Until 5:00 p.m.**

The Subcommittee will hear information on the revised technical approach regarding South Texas Project's GSI-191 license amendment request. The Subcommittee will hear presentations by and hold discussions with the licensee, the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions

and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301-415-5375 or Email: [Derek.Widmayer@nrc.gov](mailto:Derek.Widmayer@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR59307-59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240-888-9835) to be escorted to the meeting room.

Dated: March 9, 2015.

**Mark L. Banks,**

*Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2015-05978 Filed 3-13-15; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting**

The ACRS Subcommittee on Fukushima will hold a meeting on March 19, 2015, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

**Monday, March 19, 2015—1:00 p.m. Until 5:00 p.m.**

The Subcommittee will review the draft proposed rulemaking package in support of mitigation of beyond-design-basis events that would make generically applicable Order EA-12-049. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mike Snodderly (Telephone 301-415-2241 or Email: [Mike.Snodderly@nrc.gov](mailto:Mike.Snodderly@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by

contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 9, 2015.

**Mark L. Banks,**

*Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2015–05946 Filed 3–13–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting

The ACRS Subcommittee on Fukushima will hold a meeting on March 20, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

#### Friday, March 20, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review and discuss the development of an Interim Staff Guidance in support of Order EA–13–109, Reliable Hardened Vents, Phase 2. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301–415–6279 or Email: [Weidong.Wang@nrc.gov](mailto:Weidong.Wang@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation

should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014, (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Date: March 9, 2015.

**Mark L. Banks,**

*Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2015–05988 Filed 3–13–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2015–0007]

### Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information; Corrections

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment request; opportunity to comment, request a

hearing, and petition for leave to intervene; order, correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on February 3, 2015, that contained an amendment request for Perry Nuclear Plant, Unit 1. This action is being taken to correct the date of the NRC's Agencywide Documents Access and Management System (ADAMS) accession number for the amendment request from FirstEnergy Nuclear Operating Company.

**FOR FURTHER INFORMATION CONTACT:** Eva A. Brown, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2315; email: [Eva.Brown@nrc.gov](mailto:Eva.Brown@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 3, 2015 (80 FR 5816), FR Doc. 2015–01917, on page 5819, in the middle of the second column, under “FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Perry Ohio,” after “*Date of amendment request*,” the date “September 12, 2014” is corrected to read “October 8, 2014.”

Dated in Rockville, Maryland, this 9th day of March, 2015.

For the Nuclear Regulatory Commission.

**Eva A. Brown,**

*Senior Project Manager, Plant Licensing III–2 and Planning and Analysis Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015–05944 Filed 3–13–15; 8:45 am]

**BILLING CODE 7590–01–P**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Impact of the Select Agent Regulations

**ACTION:** Request for Public Comment.

**SUMMARY:** Public comment is requested on the impact that the Select Agent Regulations have had on science, technology, and national security, and on the benefits, costs, and limitations of these regulations. Drawing on these comments and other information available to it, a Fast Track Action Committee under the Committee on Homeland and National Security of the National Science and Technology Council will review the impacts and consider options to address the identified challenges or gaps concerning those regulations. Comments of up to three pages or fewer (12,000 characters) are requested and must be received by



5:00 p.m. ET on March 30, 2015 to be considered.

**DATES:** Comments must be received by 5:00 p.m. ET on March 30, 2015 to be considered.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email:* [SARreview@hq.dhs.gov](mailto:SARreview@hq.dhs.gov).

Include "SAR Comments" in the subject line of the message.

- *Mail:* Attn: Gerald L. Epstein, Ph.D., Co-Chair, Fast Track Action Committee, Deputy Assistant Secretary for Chemical, Biological, Radiological, and Nuclear Policy, U.S. Department of Homeland Security, 245 Murray Lane SW., Mail Stop #0315, Washington, DC 20528. Please allow sufficient time for security processing of postal mail.

**Instructions:** Response to this request for public comment is voluntary. Responses exceeding 12,000 characters or three pages will not be considered. Submission via email is preferred. Responses to this request for public comment may be posted online. The Office of Science and Technology Policy (OSTP) therefore requests that no business proprietary information, copyrighted information, or sensitive personally identifiable information be submitted in response to this request. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

**FOR FURTHER INFORMATION CONTACT:** Gerald Epstein, Co-Chair, Fast Track Action Committee, at [SARreview@hq.dhs.gov](mailto:SARreview@hq.dhs.gov), (202) 282-9078.

**SUPPLEMENTARY INFORMATION:** This request for public comment offers the opportunity for interested individuals and organizations to comment on the impact that the Select Agent Regulations (SAR) have had on science, technology, and national security, and on the benefits, costs, and limitations of these regulations. The SAR (7 CFR part 331.9 CFR part 121, and 42 CFR part 73, <http://www.selectagents.gov/regulations.html>) address the possession, use, and transfer of biological select agents and toxins—those agents and toxins that have been determined by the Secretary of Health and Human Services (HHS) or the Secretary of Agriculture as having the potential to pose a severe threat to public, animal or plant health or to animal or plant products. It is important that biological select agents and toxins are regulated in a way that effectively allows for research and development to enhance science, health, and national security.

### White House Memorandum for Enhancing Biosafety and Biosecurity

Broad stakeholder engagement with respect to the impact of the SAR is one of the items called for in an August 18, 2014, White House memo on *Enhancing Biosafety and Biosecurity in the United States*, which outlined a series of immediate and longer-term steps the government would take to address the underlying causes of a series of biosafety incidents at U.S. government laboratories earlier that year. Though most of the actions were directed at federally funded laboratories, the Memo recognized that many stakeholders (e.g., regulators, regulated, or other parties interested in the SAR) could provide a broader, deeper understanding of the impact of the SAR.

### Questions Regarding the Select Agent and Toxin Regulations

We invite comments on any aspect of the SAR. Comments are sought that identify concrete impacts and/or propose recommendations to ameliorate or resolve identified challenges or gaps. We welcome comments that separately address the *implementation* of the SAR (including the costs, benefits and impacts of implementation), the *regulations* themselves, and any *broader issues* pertaining to the safety and security of potentially dangerous biological microorganisms and toxins.

While all comments are welcome, the following questions may help you frame your response:

1. What are the specific benefits, challenges, and impacts in implementing the SAR with respect to: (1) Scientific research (e.g., quality, breadth, international competitiveness, or other outcomes or consequences)?; (2) safety and security (e.g., biocontainment, biosafety, physical security, cybersecurity, and personnel suitability)?; and, 3. public or agricultural health and response (e.g. ability to respond rapidly and effectively to incidents and the development/availability of medical countermeasures)?

2. What gaps exist in the SAR (e.g., reporting, aggregated data collection, ability to transfer material across international borders) and what specific recommendations would fill those gaps?

3. Are facilities that possess, use, or transfer biological select agents and toxins in the U.S. safer than they were before the SAR went into effect in close to its current form in 2003? If so, to what extent are the SAR responsible?

4. The SAR strike a balance between avoiding harm (e.g., preventing safety or security lapses) and seeking benefits

(e.g., conducting research and public or agricultural health activities). Do you think that balance has been struck appropriately? If not, what specific aspects of the SAR should be emphasized more, and what should be emphasized less?

5. Have the regulations unduly impaired research and other applications of select agents and toxins? If so, how? Please provide examples as appropriate, with specific sections of the SAR if possible.

6. If the SAR have unduly impaired research, how can the research and other applications be further promoted, while still protecting against misuse and accidental release? Please provide examples as appropriate, with specific aspects of the SAR if possible.

7. Have the regulations sufficiently protected public and agricultural health and safety against the misuse and accidental release of these agents? If so, or if not, how? Please provide examples as appropriate, with specific sections of the SAR if possible.

8. If the SAR are not sufficient for health and safety protection, how can health and safety be better protected while still facilitating legitimate use of select agents and toxins? Please provide recommended changes to the specific sections of the SAR if appropriate.

9. Describe how the overall costs of the SAR are or are not appropriately balanced with their overall benefits.

10. The SAR regulate the use, transfer, or possession of a specific list of potentially dangerous pathogens and toxins. Is designing the regulations around a list of agents advantageous or disadvantageous? If disadvantageous, in what other way can the regulations be organized and implemented?

11. Research today is a thoroughly international activity, with scientists and research materials constantly crossing national borders. Security threats today likewise extend across national borders. Are the SAR appropriately configured to accommodate these international issues? If not, how could they be improved?

12. Are the SAR appropriately configured to accommodate changes in science and technology such as, but not limited to, advances in synthetic biology, genetic engineering, or viral systematics? If not, how can they be reconfigured to better do so? What scientific and technical advances might



improve the function or lessen the costs and burdens of the SAR?

**Ted Wackler,**

*Deputy Chief of Staff and Assistant Director.*

[FR Doc. 2015-05906 Filed 3-13-15; 8:45 am]

**BILLING CODE 3710-F5-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74460; File No. SR-Phlx-2015-21]

### Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Customer Rebate Program, Multiply Listed Options, PIXL Pricing

March 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 26, 2015, NASDAQ OMX PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the Phlx Pricing Schedule (“Pricing Schedule”). Specifically, the Exchange proposes to amend pricing in Section B, entitled “Customer Rebate Program,” Section II, entitled “Multiply Listed Options Fees,”<sup>3</sup> and Section IV, Part A, entitled “PIXL Pricing,”<sup>4</sup> of the Pricing Schedule. The Exchange proposes these amendments in order to: (i) Establish a cap on rebates specifically for electronic Simple PIXL and Complex<sup>5</sup> PIXL

Orders and not pay rebates when electronic<sup>6</sup> Customer<sup>7</sup> Complex PIXL Orders execute against electronic Complex PIXL Initiating Orders; (ii) increase the assessment of fees for electronic Firm<sup>8</sup> Simple Orders underlying options in AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF;<sup>9</sup> (iii) increase the assessment of fees for electronic Complex Orders for Professionals,<sup>10</sup> Firms and Broker-Dealers;<sup>11</sup> (iv) increase the assessment of fees for adding liquidity in Penny Pilot Options<sup>12</sup> for Specialists<sup>13</sup> and Market Makers;<sup>14</sup> (v) clarify that the fee for Specialists and Market Makers that have reached their Monthly Market

the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .08(a)(i) [sic].

<sup>6</sup> A transaction resulting from an order that was electronically delivered utilizes Phlx XL. *See* Exchange Rules 1014 and 1080. Electronically delivered orders do not include orders transacted on the Exchange floor. A transaction resulting from an order that is non-electronically-delivered is represented on the trading floor by a floor broker. *See* Exchange Rule 1063. All orders will be either electronically or non-electronically delivered.

<sup>7</sup> The term “Customer” defines a person or entity that is neither a broker-dealer nor a direct or indirect affiliate of a broker-dealer, and includes a “Professional” as defined in Rule 1000(b)(14). *See* Securities Exchange Act Release Nos. 66755 (April 6, 2012), 77 FR 22037 (April 12, 2012) (SR-Phlx-2012-42) (notice of filing and immediate effectiveness).

<sup>8</sup> The term “Firm” applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

<sup>9</sup> AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF are currently Penny Pilot options (together “certain Penny Options”). The \$ 0.27 per contract pricing proposed herein is symbol-specific and will continue to apply to these symbols whether or not they are deleted from or added to the Penny Pilot.

<sup>10</sup> The term “Professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

<sup>11</sup> The term “Broker-Dealer” applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

<sup>12</sup> The Penny Pilot was established in January 2007 and was last extended in 2014. *See* Securities Exchange Act Release Nos. 55153 (January 23, 2007), 72 FR 4553 (January 31, 2007) (SR-Phlx-2006-74) (notice of filing and approval order establishing Penny Pilot); and 73688 (November 25, 2014), 79 FR 71484 (December 2, 2014) (SR-Phlx-2014-77) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2015). All Penny Pilot Options listed on the Exchange can be found at <http://www.nasdaqtrader.com/Micro.aspx?id=phlx>.

<sup>13</sup> A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

<sup>14</sup> A “Market Maker” includes Registered Options Traders (Rule 1014(b)(i) and (ii)), which includes Streaming Quote Traders (*see* Rule 1014(b)(ii)(A)) and Remote Streaming Quote Traders (*see* Rule 1014(b)(ii)(B)). Directed Participants are also market makers.

Maker Cap<sup>15</sup> in a non-complex electronic auction will include transactions which execute against an order for which the Exchange broadcast an order exposure alert; (vi) amend the Initiating Order Fee for Simple PIXL and Complex PIXL Initiating Orders; and (vii) amend the requirements to receive the PIXL Initiating Order Fee discount to require a member or member organization under Common Ownership<sup>16</sup> to qualify for a Tier 4 or Tier 5 Customer Rebate in Section B of the Pricing Schedule.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqomxphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this filing is to modify the Pricing Schedule to specifically amend fees in Section B, entitled “Customer Rebate Program,” Section II, entitled “Multiply Listed Options Fees,” and Section IV, Part A, entitled “PIXL Pricing.” The Exchange proposes

<sup>15</sup> Specialists and Market Makers are subject to a “Monthly Market Maker Cap” of \$500,000 for: (i) Electronic and floor Option Transaction Charges; (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)); and (iii) fees related to an order or quote that is contra to a PIXL Order or specifically responding to a PIXL auction [sic]. The trading activity of separate Specialist and Market Maker member organizations is aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in Section II) are excluded from the Monthly Market Maker Cap.

<sup>16</sup> The term “Common Ownership” shall mean members or member organizations under 75% common ownership or control.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> This includes options overlying equities, exchange traded funds (“ETFs”), exchange traded notes (“ETNs”) and indexes which are Multiply Listed.

<sup>4</sup> PIXL<sup>SM</sup> is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Rule 1080(n).

<sup>5</sup> A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or ETF coupled with

various amendments to the Pricing Schedule as described below.

#### Section B—Customer Rebate Program

Currently, the Exchange has a Customer Rebate Program consisting of five tiers that pays Customer rebates on two categories, A and B,<sup>17</sup> of transactions. A Phlx member qualifies for a certain rebate tier based on the percentage of total national customer volume in Multiply Listed equity and ETFs options classes, excluding SPY Options that it transacts monthly on Phlx. The Exchange calculates Customer volume in Multiply Listed Options (including SPY options) by totaling electronically-delivered and executed volume, excluding volume associated with electronic Qualified Contingent Cross Orders,<sup>18</sup> as defined in Exchange Rule 1080(o).<sup>19</sup> The Exchange proposes, as discussed below, to establish a cap for Simple PIXL Orders (Category A) and Complex PIXL Orders (Category B) rebates. Also, the Exchange is proposing to not offer rebates when Customer Complex PIXL Orders execute against Complex PIXL Initiating Orders for Category B rebates.

Currently, a Category A Customer rebate is paid to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order are paid a rebate of \$0.14 per contract. Today

there is no rebate cap. The Exchange proposes to establish a cap for Category A rebates as follows: rebates on Customer PIXL Orders will be capped at 4,000 contracts per order for Simple PIXL Orders. The Exchange believes that the Category A rebates will continue to encourage members to send Customer liquidity to Phlx despite the cap on PIXL Simple Order rebates at the proposed 4,000 contracts.

Currently, a Category B rebate is paid to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and Non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program, Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order are paid a rebate of \$0.17 per contract. The Category B rebate is not paid when an electronically-delivered Customer Complex Order, including Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Today there is no rebate cap. The Exchange proposes to establish a cap for Category B Customer Complex Order rebates as follows: rebates on Customer PIXL Orders will be capped at 4,000 contracts per order leg for Complex PIXL Orders. The Exchange believes that the Category B rebates will continue to encourage members to send Customer liquidity to Phlx despite the cap on PIXL Complex Order rebates at the proposed 4,000 contracts per order leg.

The Exchange also proposes to amend the rule change to specify that Category B Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will not be paid a rebate. As noted above, the Category B rebate is not paid when an electronically-delivered Customer Complex Order, including Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order, which includes a Complex PIXL Initiating Order.

#### Section II—Multiply Listed Options

The Exchange proposes to amend the discounted amount that is currently assessed to a Firm for electronic orders in certain Penny Options. Today, the Exchange assesses a Firm a \$0.48 per contract Options Transaction Charge for electronic transactions in Penny Pilot Options and a \$0.70 per contract Options Transaction Charge for Non-

Penny Pilot Options. The Exchange also offers a discount to Firms transacting electronic Simple Orders in certain Penny Options of \$0.25 per contract. The Exchange is proposing to increase the discount fee from \$0.25 to \$0.27 per contract,<sup>20</sup> resulting in a higher effective fee. Despite the increase in the discount fee, the Exchange believes that Firms will continue to be incentivized to transact volume in these symbols.

The Exchange proposes to increase the discount fee for electronic Complex Orders to Professionals, Broker-Dealers and Firms in Penny and Non-Penny Pilot Options regarding electronic Complex Orders. Today, Professionals, Broker-Dealers and Firms are offered the opportunity to reduce Options Transaction Charges in Penny Pilot Complex Orders from \$0.48 to \$0.30 per contract and to reduce Options Transaction Charges in Non-Penny Pilot Complex Orders from \$0.70 to \$0.30 per contract. The Exchange is proposing to increase the discount fee for Professionals, Firms and Broker-Dealers from \$0.30 to \$0.35 per contract when transacting electronic Complex Orders, resulting in a higher effective fee. Despite the increase in the discount fee, the Exchange believes that this discount will continue to incentivize Professionals, Firms and Broker-Dealers to transact electronic Complex Order volume. The Exchange believes that the proposed discount fee, although higher, will continue to incentivize Professionals, Broker-Dealers and Firms to send order flow to the Exchange.

Currently, Specialists and Market Makers are subject to a “Monthly Market Maker Cap” of \$500,000 for: (i) Electronic and floor Option Transaction Charges; and (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)). The trading activity of separate Specialist and Market Maker member organizations are aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions<sup>21</sup> are excluded from the Monthly Market Maker Cap. Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and (ii) have reached the Monthly Market Maker

<sup>17</sup> Category A and Category B rebates are described below.

<sup>18</sup> A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. See Rule 1080(o). See also Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR-Phlx-2011-47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (“QCTs”) that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

<sup>19</sup> Members and member organizations under common ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Common ownership means members or member organizations under 75% common ownership or control.

<sup>20</sup> The fee reduction today is only applicable to Penny Pilot Options as all of the symbols, AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF, are Penny Pilot symbols.

<sup>21</sup> See descriptions of these strategies in Section II of the Pricing Schedule.

Cap are currently assessed fees per contract as follows: \$0.00 per contract Fee for Adding Liquidity in Penny Pilot Options; \$0.17 per contract Fee for Removing Liquidity in Penny Pilot Options; \$0.17 per contract in Non-Penny Pilot Options; and \$0.17 per contract in a non-Complex electronic auction, including the Quote Exhaust auction and, for purposes of this fee, the opening process. A Complex electronic auction includes, but is not limited to, the Complex Order Live Auction (“COLA”).

The Exchange proposes to increase the Fee for Adding Liquidity in Penny Pilot Options, when a Specialist or Market Maker is on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction, and has reached the Monthly Market Maker Cap, from \$0.00 to \$0.05 per contract. The Exchange also proposes to make it clear that transactions which execute against an order for which the Exchange broadcast an order exposure alert will be subject to the existing fee of \$0.17 per contract in a non-Complex electronic auction.<sup>22</sup> This rule change should add greater clarity to the Pricing Schedule.<sup>23</sup>

#### Section IV, Part A—PIXL Pricing

Currently, PIXL pricing for Initiating Orders is located in subsection IV, Part A (Other Transaction Fees) of the Pricing Schedule. Today, the Initiating Order Fee is \$0.07 per contract or \$0.05 per contract if Customer Rebate Program Threshold Volume defined in Section B is greater than 100,000 contracts per day in a month. The Exchange proposes, as discussed below, to continue to assess the \$0.07 Initiating Order Fee. The Exchange proposes, where the member or member organization qualifies for the Tier 4 or 5 Customer Rebate in Section B, to assess [sic] a \$0.05 Simple PIXL Order Fee; and to indicate that where the member or member organization qualifies for the Tier 4 or 5 Customer Rebate in Section B it will assess a \$0.03

Complex PIXL Order Fee. The Exchange also proposes to amend the qualifier for the discounted fees.

With respect to the qualifier, today, for an Initiating Order there is a fee of \$0.07 per contract or \$0.05 per contract if the Customer Rebate Program Threshold Volume defined in Section B is greater than 100,000 contracts per day in a month.<sup>24</sup> The Initiating Order Fee for non-Customers, including Professionals, Firms, Broker-Dealers, Specialists and Market Makers, that have orders contra to a Customer PIXL Order is reduced to \$0.00 if the Customer PIXL Order is greater than 399 contracts. The Exchange proposes to continue to assess an Initiating Order Fee of \$0.07 per contract, but proposes, where the member or member organization qualifies for the Tier 4 or 5 Customer Rebate in Section B, to instead assess an Initiating Order Fee of \$0.05 per contract for Simple PIXL Orders and a new lower Initiating Order Fee of \$0.03 per contract for Complex PIXL Orders. The Exchange also proposes to amend the qualifier to receive the \$0.07 [sic] per contract Initiating Order Fee to require a member to qualify for the Tier 4 or 5 Customer Rebate in Section B of the Pricing Schedule, instead of today’s requirement that a member’s Customer Rebate Program Threshold Volume, as defined in Section B of the Pricing Schedule, must be greater than 100,000 contracts per day in a month.<sup>25</sup> Tier 4 and 5 of the Customer Rebate Schedule in Section B provides the highest relative rebates in the five tier Customer Rebate Program, in particular where the percentage thresholds of national customer volume in multiply-listed equity and ETF Options classes, excluding SPY Options (monthly), are also the highest. In making these proposals, the Exchange continues to incentivize members to execute Customer liquidity on the Exchange.

#### 2. Statutory Basis

The Exchange believes that its proposal to amend the Pricing Schedule is consistent with Section 6(b) of the Act<sup>26</sup> in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of

the Act<sup>27</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Phlx operates or controls, and is not designed to permit unfair discrimination between market participants to whom the Exchange’s fees and rebates are applicable.

#### Section B—Customer Rebates

The Exchange believes that capping rebates on electronic Customer PIXL Simple Orders at 4,000 contracts per order for Category A or 4,000 contracts per order leg for Customer Complex PIXL Orders for Category B is reasonable because it will, with the cap, allow the Exchange to continue to attract Customer liquidity to the Exchange. Customer orders bring valuable liquidity to the market which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Additionally, the Chicago Board Options Exchange Incorporated (“CBOE”) similarly caps AIM transactions at 1,000 contracts.<sup>28</sup>

The Exchange believes that capping rebates on electronic Customer PIXL Simple Orders at 4,000 contracts per order for Category A or 4,000 contracts per order leg for Complex PIXL Orders for Category B is equitable and not unfairly discriminatory because these amendments to Category A and Category B apply uniformly to all market participants to whom Category A and Category B apply.

The Exchange believes also that it is reasonable to no longer offer a \$0.17 per contract rebate for Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order because the Exchange believes this rebate incentive is no longer necessary for this particular service to increase order flow to the Exchange.

The Exchange’s proposal to no longer offer a \$0.17 per contract rebate for Customer Complex PIXL Orders that execute against a Complex PIXL Initiating is equitable and not unfairly discriminatory because the Exchange

<sup>22</sup> The \$0.17 per contract fee that exists today is not changed, and the proposal in respect of the fee is only for electronic auction.

<sup>23</sup> The Exchange broadcasts orders on the Phlx Book by issuing order exposure alerts to all Phlx XL II participants and market participants that subscribe to certain data feeds. See Securities Exchange Act Release Nos. 68517 (December 21, 2012), 77 FR 77134 (December 31, 2012) (SR-Phlx-2012-136) (notice of filing and immediate effectiveness relating to distribution of auction messages); and 68593 [sic] (January 31, 2013), 78 FR 8633 (February 6, 2013) (SR-Phlx-2013-06) (notice of filing and immediate effectiveness to clarify when an order is adding or removing liquidity and discussing order alerts). The Exchange notes that there is currently an exposure alert provision in the Pricing Schedule, albeit for fees and rebates regarding SPY (Section I).

<sup>24</sup> Any member or member organization under Common Ownership with another member or member organization that qualifies for a Customer Rebate Tier discount in Section B receives the PIXL Initiating Order discount of \$0.05 per contract.

<sup>25</sup> Moreover, any member or member organization under Common Ownership with another member or member organization that qualifies for a Customer Rebate Tier 4 or 5 rebate in Section B will receive the PIXL Initiating Order discount as described in Section IV of the Pricing Schedule.

<sup>26</sup> 15 U.S.C. 78f(b).

<sup>27</sup> 15 U.S.C. 78f(b)(4), (5).

<sup>28</sup> See CBOE’s Fees Schedule. Credits on Customer orders executed electronically in AIM are capped at 1,000 contracts per order for simple executions and 1,000 contracts per leg for complex executions.

will not pay such a rebate to any market participant.

#### Section II—Multiply Listed Options

The Exchange believes that increasing the assessment for Firms executing electronic Simple Orders in certain Penny Options from \$0.25 to \$0.27 per contract is reasonable because the Exchange would continue to offer a discount to Firms which will continue to attract liquidity. This benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. In addition, this fee is consistent with fees associated with Miami International Securities Exchange LLC ("MIAX").<sup>29</sup> Despite the increase from \$0.25 to \$0.27 per contract, the Exchange believes that Firms will continue to be incentivized to send volume to the Exchange.

The Exchange believes that increasing the assessment for Firms executing electronic Simple Orders, and thereby offering a smaller discount, in certain Penny Options<sup>30</sup> from \$0.25 to \$0.27 per contract is equitable and not unfairly discriminatory because it applies uniformly to all Firms. Further, the proposed amendment will continue to allow the Exchange to incentivize Firms to send electronic Simple Orders in these symbols to the Exchange and because pricing by symbol is a common practice on many U.S. options exchanges<sup>31</sup> as a means to incentive order flow to be sent to an exchange for execution. The Exchange believes it is reasonable to continue to use a pricing reduction to provide additional opportunities for members to increase their participation in the market. The Exchange's fees will be competitive with fees at other options markets. Although the Exchange will still be assessing Firms more than Customers (which do not pay the Option Transaction Charge in Penny Pilot or in non-Penny Pilot options), Customer order flow enhances liquidity on the Exchange for the benefit of all market participants and benefits all market

participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Although Firms will still be charged more for Penny Pilot Options than Specialists and Market Makers who are charged \$0.22, Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>32</sup> They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. Finally, as proposed, Firms will be charged only \$0.27 in these particular Penny Pilot Option symbols, which is less than the Professional and Broker-Dealer charge of \$0.48 (for Penny Pilot Options). Moreover, the proposed differential does not misalign pricing, in that Firms already benefit from certain pricing advantages that Broker-Dealers do not also enjoy (for example, the Firm Monthly Fee Cap).<sup>33</sup> The proposed fee reduction that will apply to Firms but not to Broker-Dealers is equitable and not unfairly discriminatory for the same reasons that the Firm Monthly Fee Cap which applies to Firms and not to Broker-Dealers is equitable and not unfairly discriminatory. The fee reduction proposed herein, like the Monthly Firm Fee Cap, provides an incentive for Firms to transact order flow on the Exchange, which order flow brings increased liquidity to the Exchange for the benefit of all Exchange participants. To the extent the purpose of the proposed Firm fee reduction is achieved, all the Exchange's market participants, including Broker-Dealers, should benefit from the improved market liquidity. Further, competitive

forces are influencing the price reduction in these symbols for Firm orders.

The Exchange believes it is reasonable to increase the assessment applicable to Professionals, Broker-Dealers and Firms that transact Electronic Complex Orders from \$0.30 to \$0.35 per contract, thereby reducing the discount, because this discount will continue to attract liquidity and benefit all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. The Exchange's fees will continue to remain competitive with fees at other options markets.<sup>34</sup> Today, a Professional, Firm and Broker-Dealer are assessed the highest electronic Options Transaction Charges in Penny Pilot Options of \$0.48 per contract, as compared to other market participants. Despite the fee increase, the proposal will allow the Exchange to incentivize these market participants by offering the opportunity to lower Options Transaction Charges as described herein.

The Exchange believes it is equitable and not unfairly discriminatory to increase the assessment applicable to Professionals, Broker-Dealers and Firms that transact Electronic Complex Orders from \$0.30 to \$0.35 per contract because the Exchange will assess Professionals, Broker-Dealers and Firms the same electronic Options Transaction Charges in Penny Pilot Options. The Exchange does not assess Customers an electronic Options Transaction Charge in Penny Pilot Options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>35</sup> They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to

<sup>32</sup> See Rule 1014 titled "Obligations and Restrictions Applicable to Specialists and Registered Options Traders."

<sup>33</sup> Firms are subject to a maximum fee of \$75,000 ("Monthly Firm Fee Cap"). Firm Floor Option Transaction Charges and QCC Transaction Fees, in the aggregate, for one billing month may not exceed the Monthly Firm Fee Cap per member organization when such members are trading in their own proprietary account. All dividend, merger, and short stock interest strategy executions (as defined in Section II of the Pricing Schedule) are excluded from the Monthly Firm Fee Cap. Reversal and conversion, jelly roll and box spread strategy executions (as defined in Section II) are included in the Monthly Firm Fee Cap. QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap. See Section II of the Pricing Schedule.

<sup>29</sup> See MIAX's Fee Schedule. MIAX assesses firms a \$0.27 per contract fee for transactions in Penny classes. This fee is assessed to an EEM that enters an order that is executed for an account identified by the EEM for clearing in the OCC "Firm" range.

<sup>30</sup> All of the symbols, AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF, are currently Penny Pilot Options. This fee discount is only available on these symbols and therefore not available for Non-Penny Pilot Options.

<sup>31</sup> See, e.g., the International Securities Exchange LLC ("ISE") Schedule of Fees.

<sup>34</sup> See the NASDAQ Options Market LLC's ("NOM") pricing at Chapter XV of NOM's Rulebook.

<sup>35</sup> See Rule 1014 titled "Obligations and Restrictions Applicable to Specialists and Registered Options Traders."

the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Customers, Specialists and Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants.

The Exchange believes that increasing the assessment from \$0.00 to \$0.05 per contract rebate for Adding Liquidity in Penny Pilot Options is reasonable when Specialists or Market Makers are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and have reached the Monthly Market Maker Cap. This is because Specialists and Market Makers will continue to pay a lower fee as compared to other market participants and should be incentivized to continue to add liquidity.

The Exchange believes that increasing the assessment from \$0.00 to \$0.05 per contract rebate for Adding Liquidity in Penny Pilot Options is equitable and not unfairly discriminatory when Specialists or Market Makers are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and have reached the Monthly Market Maker Cap. This is because Specialists and Market Makers are assessed lower electronic order fees as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>36</sup>

The Exchange believes that clarifying that transactions which execute against an order for which the Exchange broadcast an order exposure alert in an electronic auction is also subject to the \$0.17 per contract fee is reasonable, equitable and not unfairly discriminatory because the Exchange is not proposing to amend the manner in which the fee is applied, but rather provide additional clarity to market participants that responses to an order exposure alert shall be treated by the Exchange in a similar manner as other auctions for purposes of applying this fee.

#### Section IV, Part A—PIXL Pricing

Today, the Exchange assesses an Initiating Order Fee of \$0.07 per contract or \$0.05 per contract for Simple PIXL Orders. The Exchange believes that its proposal to adopt an alternative of \$0.03 per contract for Complex PIXL

Orders (with the qualifier that a Customer must qualify for the Tier 4 or 5 Customer Rebate in Section B of the Pricing Schedule) is reasonable. This is because the Exchange believes this additional incentive will further incentivize members to send price improving seeking orders to PIXL as well as bring additional liquidity to the Exchange in an effort to earn the Initiating Order discount. Amending the qualifier from 100,000 contracts to qualifying for a Tier 4 and Tier 5 Customer rebate is reasonable because this simply establishes a different metric that requires members that desire to earn the discounted PIXL pricing to send additional Customer order flow to the Exchange with the new qualifier. The Exchange notes that in order to remain competitive, the Exchange must implement fees and rebates that are competitive with pricing at other options exchanges that offer a similar auction opportunity. The PIXL electronic auction represents an increasingly important and crucial segment of options trading. The goal is creating and increasing incentives to attract orders to the Exchange that will, in turn, benefit all market participants through increased liquidity at the Exchange. The proposal is designed to continue to incentivize market participants to send liquidity to the Exchange. The Exchange believes that in addition to currently assessing an Initiating Order of \$0.07 per contractor [sic] today, its proposal to adopt an alternative fee of \$0.03 per contract for Complex PIXL Orders (with the qualifier that a Customer must qualify for the Tier 4 or 5 Customer Rebate in Section B of the Pricing Schedule), and a \$0.05 per contract for Simple PIXL Orders (with the qualifier that a Customer must qualify for the Tier 4 or 5 Customer Rebate in Section B of the Pricing Schedule), is equitable and not unfairly discriminatory. The volume discount will be applied uniformly to all according to liquidity brought to the Exchange by non-Customers. The Exchange would offer all market participants, other than Customers who are not assessed an Initiating Order Fee, an incentive to transact large sized orders in PIXL. The Exchange believes that the proposal will continue to attract liquidity, which benefits market participants and provides the opportunity for increased order interaction on the Exchange.

The Exchange desires to incentivize members and member organizations, through the Exchange's rebate and fee structure, to select Phlx as a venue for bringing liquidity and trading by

offering competitive pricing. Such competitive, differentiated pricing exists today on other options exchanges. The Exchange's goal is creating and increasing incentives to attract orders to the Exchange that will, in turn, benefit all market participants through increased liquidity at the Exchange.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Customer Rebate Program amendments in Section B of the Pricing Schedule do not create an undue burden on competition because the caps applicable to PIXL Orders will apply uniformly to all market participants. The Exchange's proposal to increase the assessment for Firms executing electronic Simple Orders in certain Penny Options from \$0.25 to \$0.27 per contract does not place an undue burden on competition, rather this reduction will continue to attract liquidity which benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. In addition, this fee is consistent with fees assessed by MIAx.<sup>37</sup>

The Exchange believes it is reasonable to increase the assessment applicable to Professionals, Broker-Dealers and Firms that transact Electronic Complex Orders from \$0.30 to \$0.35 per contract, thereby reducing the discount, because this discount will continue to attract liquidity and benefit all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. The Exchange's fees will continue to remain competitive with fees at other options markets.<sup>38</sup> Today, a Professional, Firm and Broker-Dealer are assessed the highest electronic Options Transaction Charges in Penny Pilot Options of \$0.48 per contract, as compared to other market participants. Despite the fee increase, the proposal will allow the Exchange to incentivize market participants by offering the opportunity to lower Options Transaction Charges as described herein.

The Exchange believes its proposal to increase the assessment applicable to Professionals, Broker-Dealers and Firms that transact Electronic Complex Orders

<sup>37</sup> See MIAx's Fee Schedule. MIAx assesses firms a \$0.27 per contract fee for transactions in Penny classes. This fee is assessed to an EEM that enters an order that is executed for an account identified by the EEM for clearing in the OCC "Firm" range.

<sup>38</sup> See the NOM pricing at Chapter XV of NOM's Rulebook.

<sup>36</sup> *Id.*

from \$0.30 to \$0.35 per contract does not create an undue burden on competition because the Exchange will continue to offer a discount to these market participants that pay the highest Penny Pilot Options transaction fees. The Exchange does not assess Customers an electronic Options Transaction Charge in Penny Pilot Options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>39</sup>

The Exchange's proposal to increase the fee assessment from \$0.00 to \$0.05 per contract rebate for Adding Liquidity in Penny Pilot Options when Specialists or Market Makers are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction, and have reached the Monthly Market Maker Cap, is reasonable. This is because Specialists and Market Makers do not create an undue burden on competition because market makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.<sup>40</sup>

The Exchange's proposal to clarify that transactions which execute against an order for which the Exchange broadcast an order exposure alert in an electronic auction does not create an undue burden on competition. This amendment will bring additional clarity to the fees.

The Exchange believes that the proposed new volume discount for PIXL Fees creates additional opportunity for incentivizing Professionals, Firms, Broker-Dealers, Specialists and Market Makers to bring additional liquidity to the market. The Exchange believes that effectively assessing lower fees or paying rebates when a market participant brings a certain amount of Customer orders creates competition

among market participants to remove liquidity from the Phlx Book. This competition does not create an undue burden on competition but rather offers all market participants the opportunity to receive the benefit of the pricing when transacting options. Also, providing an ability to earn greater discounts incentivizes order flow into the auction.

The Exchange operates in a highly competitive market, comprised of twelve exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange, as described in the proposal, are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

The proposed fees are designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs while continuing to attract liquidity and offer connectivity at competitive rates to Exchange members and member organizations.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>41</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2015-21 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2015-21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2015-21, and should be submitted on or before April 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>42</sup>

**Brent J. Fields,**  
*Secretary.*

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**BILLING CODE 8011-01-P**

<sup>39</sup> See Rule 1014 titled "Obligations and Restrictions Applicable to Specialists and Registered Options Traders."

<sup>40</sup> *Id.*

<sup>41</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>42</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74462; File No. SR-EDGA-2015-13]

### Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGA Exchange, Inc.

March 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 26, 2015, EDGA Exchange, Inc. (the “Exchange” or “EDGA”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members<sup>5</sup> of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (“Fee Schedule”) to: (i) Decrease the rebate from \$0.00150 per share to \$0.00040 per share for orders that yield fee code A, which routes to the Nasdaq Stock Market LLC (“Nasdaq”) and adds liquidity; (ii) add new fee code RN, which routes to Nasdaq using the ROOC routing strategy and adds liquidity; (iii) add a bullet to the General Notes section regarding the rates that would apply when the New York Stock Exchange, Inc. (“NYSE”) or NYSE MKT LLC (“NYSE MKT”) declare an emergency condition under their Rule 49; (iv) add a new pricing tier called the MidPoint Discretionary Order Add Volume Tier;

and (v) amend footnote 13 regarding how a Member’s volume attributed to fee code 5 will be allocated.

The text of the proposed rule change is available at the Exchange’s Web site at [www.batstrading.com](http://www.batstrading.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to: (i) Decrease the rebate from \$0.00150 per share to \$0.00040 per share for orders that yield fee code A, which routes to Nasdaq and adds liquidity; (ii) add new fee code RN, which routes to Nasdaq using the ROOC routing strategy and adds liquidity; (iii) add a bullet to the General Notes section regarding the rates that would apply when the NYSE or NYSE MKT declare an emergency condition under their Rule 49; (iv) add a new pricing tier called the MidPoint Discretionary Order Add Volume Tier; and (v) amend footnote 13 regarding how a Member’s volume attributed to fee code 5 will be allocated.

###### Fee Code A

In securities priced at or above \$1.00, the Exchange currently provides a rebate of \$0.00150 per share for Members’ orders that yield fee code A, which routes to Nasdaq and adds liquidity. The Exchange proposes to amend its Fee Schedule to decrease this rebate to \$0.00040 per share for Members’ orders that yield fee code A. The proposed change represents a pass through of the rate that BATS Trading, Inc. (“BATS Trading”), the Exchange’s affiliated routing broker-dealer, is rebated for routing orders in certain symbols to Nasdaq when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq, it is

rebated a standard rate of \$0.00040 per share for orders in select symbols (“Nasdaq’s Select Symbol Program”).<sup>6</sup> BATS Trading will pass through this rate on Nasdaq to the Exchange and the Exchange, in turn, will pass through this rate to its Members. The Exchange notes that the proposed change is in response to Nasdaq’s January 2015 fee change where Nasdaq decreased the rebate it provides its customers, such as BATS Trading, from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share for orders in symbols included in Nasdaq’s Select Symbol Program.<sup>7</sup>

###### Fee Code RN

The Exchange proposes to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity. Orders that yield fee code RN will receive a rebate of \$0.00150 per share. The ROOC Routing strategy routes orders to participate in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca) if received before the opening/re-opening/closing time of such market. If shares remain unexecuted after attempting to execute in the opening, re-opening, or closing process, they are either posted to the EDGA Book, executed, or routed to destinations on the System routing table. Proposed fee code RN represents a pass through of the rate that BATS Trading, the Exchange’s affiliated routing broker-dealer, is rebated for routing orders to Nasdaq in Tape C securities not included in Nasdaq’s Select Symbol Program when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq using the ROOC routing strategy, it is rebated a standard rate of \$0.00150 per share for Tape C securities that are not included in Nasdaq’s Select Symbol Program.<sup>8</sup>

<sup>6</sup> The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered discount on Nasdaq or routes an order to Nasdaq in a symbol that is not included in Nasdaq’s Select Symbol Program to receive a rebate of \$0.00040 per share, its rate for Flag A will not change. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the lesser rebate of \$0.00040 per share for all Tapes A, B & C securities.

<sup>7</sup> See Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594 (January 6, 2015) (SR-Nasdaq-2014-128).

<sup>8</sup> The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered discount on Nasdaq or routes an order to Nasdaq in a symbol that is included in Nasdaq’s Select Symbol Program to receive a rebate of \$0.00040 per share, its rate for Flag RN will not change. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the rebate of \$0.000150

Continued

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term “Member” is defined as “any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a “member” of the Exchange as that term is defined in Section 3(a)(3) of the Act.” See Exchange Rule 1.5(n).



BATS Trading will pass through this rate on Nasdaq to the Exchange and the Exchange, in turn, will pass through this rate to its Members. The Exchange notes that fee code A above will be applied to all orders routed to Nasdaq not utilizing the ROOC routing strategy that add liquidity.

#### NYSE and NYSE MKT Rule 49

The Exchange proposes to add a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49. Under NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT may invoke their emergency powers during an emergency condition and designate NYSE Arca, Inc. ("NYSE Arca") as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT. In such case, the Exchange will route any order that was intended to be routed to the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge BATS Trading their applicable fee or rebate, and BATS Trading will pass through that fee or rebate to the Exchange who would, in turn, pass that rate along to its Members. Therefore, the Exchange proposes to add a bullet to its Fee Schedule stating that fee codes applicable to orders routed to NYSE Arca will be applied to orders routed to the NYSE or NYSE MKT where, pursuant to NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT have designated NYSE Arca as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT.

#### MidPoint Discretionary Order Add Volume Tier

The Exchange proposes to add a new tier to footnote 4 entitled the MidPoint Discretionary Order Add Volume Tier. Under the tier, a Member would qualify for a reduced fee of \$0.0003 per share where that Member: (i) Adds an ADV of at least 0.25% of the TCV including non-displayed orders that add liquidity; and (ii) adds or removes an ADV of at least 1,500,000 shares yielding fee codes DM or DT. Fee code DM is applied to Non-Displayed orders that add liquidity using MidPoint Discretionary orders<sup>9</sup> and fee code DT is applied to Non-

Displayed orders that remove liquidity using MidPoint Discretionary Orders. Orders that yield fee code DM or fee code DT are charged a fee of \$0.00050 per share. The addition of the MidPoint Discretionary Order Add Volume Tier is intended to incentive Members to submit an increased number of MidPoint Discretionary orders to the Exchange, thereby increasing the liquidity on the Exchange at the midpoint of the National Best Bid or Offer ("NBBO").

#### Footnote 13

In December 2014, the Exchange added footnote 13 to state that a Member's monthly volume attributed to fee code 5 will be divided evenly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier.<sup>10</sup> At that time, the Exchange proposed to divide a Member's fee code 5 volume as such because the Exchange's systems could not delineate orders yielding fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfied a certain tier.

In January 2014, the Exchange and its affiliate, EDGX Exchange, Inc. ("EDGX") received approval to effect a merger (the "Merger") of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the "BGM Affiliated Exchanges").<sup>11</sup> In the context of the Merger, the BGM Affiliated Exchanges migrated EDGX and EDGA onto the BATS technology platform, which was completed in January 2015. Under the BATS technology platform, the Exchange is now able to delineate orders yield fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfies a certain tier. Therefore, the Exchange proposes to amend footnote 13 to state that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier.

#### Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on March 2, 2015.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>13</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

#### Fee Code A

The Exchange believes that its proposal to decrease the pass through rebate for Members' orders that yield fee code A from \$0.00150 to \$0.00040 per share represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to Nasdaq's Select Symbol Program, Nasdaq provided BATS Trading a rebate of \$0.00150 per share for orders in yielding fee code A, which BATS Trading passed through to the Exchange and the Exchange passed through to its Members. In January 2015, Nasdaq decreased the standard rebate it provides its customers, such as BATS Trading, from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share for orders that are routed to Nasdaq in symbols included in its Select Symbol Program.<sup>14</sup> Therefore, the Exchange believes that the proposed change in fee code A from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share is equitable and reasonable because it accounts for the pricing changes on Nasdaq. In addition, the proposal allows the Exchange to continue to charge its Members a pass-through rate for orders that are routed to Nasdaq. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by security for those included in Nasdaq's Select Symbol

per share for all Tapes A, B & C securities that yield fee code RN.

<sup>9</sup> See Exchange Rule 11.8(e) for a description of MidPoint Discretionary orders.

<sup>10</sup> See Securities Exchange Act Release No. 73781 (December 8, 2014), 79 FR 73925 (December 12, 2014) (SR-EDGA-2014-31).

<sup>11</sup> See Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR-EDGX-2013-43; SR-EDGA-2013-34).

<sup>12</sup> 15 U.S.C. 78f.

<sup>13</sup> 15 U.S.C. 78f(b)(4).

<sup>14</sup> See *supra* note 6.



Program, it will pass through the lesser rebate of \$0.00040 per share for all Tapes A, B & C securities routed to Nasdaq. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### Fee Code RN

The Exchange believes its proposal to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity, represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to Nasdaq through BATS Trading using the ROOC routing strategy. Proposed fee code RN represents a pass through of the rate that BATS Trading, the Exchange's affiliated routing broker-dealer, is rebated for routing orders to Nasdaq in securities not included in Nasdaq's Select Symbol Program when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq using the ROOC routing strategy, it is rebated a standard rate of \$0.00150 per share for Tape C securities that are not included in Nasdaq's Select Symbol Program.<sup>15</sup> Therefore, the Exchange believes to provide proposed fee code RN a rebate of \$0.00150 per share is equitable and reasonable because it accounts for pricing on Nasdaq and allows the Exchange to charge its Members a pass-through rate for orders that are routed to Nasdaq using the ROOC routing strategy. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by security for those included in Nasdaq's Select Symbol Program, it will pass through the rebate of \$0.00150 per share for all Tapes A, B & C securities routed to Nasdaq yielding fee code RN. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 is reasonable because it is designed to

provide greater transparency to Members by describing which rates would apply in such circumstances. In the case when NYSE or NYSE MKT invoke their Rule 49, the Exchange will route any order that was intended for the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge their applicable fee or rebate. The proposed bullet is intended to make clear within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### MidPoint Discretionary Order Add Volume Tier

The Exchange believes the proposed MidPoint Discretionary Order Add Volume Tier represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because it is designed to incentivize Members to increase their use of MidPoint Discretionary orders on EDGA. MidPoint Discretionary orders provide liquidity at the midpoint of the NBBO. The Exchange believes that Members utilizing MidPoint Discretionary orders that provide liquidity at the midpoint of the NBBO may receive the benefit of price improvement, and providing a decreased fee for such orders that meet the tier's qualifications is a reasonable means by which to encourage the use of such orders. In addition, the Exchange believes that by encouraging the use of MidPoint Discretionary orders, Members seeking price improvement would be more motivated to direct their orders to EDGA because they would have a heightened expectation of the availability of liquidity at the midpoint of the NBBO. The Exchange also believes that the proposed addition of the MidPoint Discretionary Order Add Volume Tier is non-discriminatory because it will be available to all Members.

#### Footnote 13

The Exchange believes proposed footnote 13 stating that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier represents an equitable allocation of reasonable dues, fees, and other charges. Footnote 13 initially divided a Member's fee code 5 volume as such because fee code 5 includes both added and removed liquidity and the Exchange's systems could not delineate orders yielding fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfies a certain tier. Under the BATS technology platform, the Exchange is now able to delineate orders yield fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfies a certain tier. Therefore, the Exchange believes amending footnote 13 to state that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes is reasonable because it would provide Members an accurate understanding of how their orders yielding fee code 5 would be allocated amongst added and removed volume for purposes of determining whether they satisfied a certain tier. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

#### Fee Code A

The Exchange believes that its proposal to pass through a rebate of \$0.00040 per share for Members' orders

<sup>15</sup> See *supra* note 8.

that yield fee code A would increase intermarket competition because it offers customers an alternative means to route to Nasdaq for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

#### Fee Code RN

The Exchange believes that its proposal to add fee code RN for orders that route to Nasdaq using the ROOC routing strategy and pass through a rebate of \$0.00150 per share to Members would increase intermarket competition because it offers customers an alternative means to route orders to Nasdaq to participate in their opening, re-opening or closing process for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

#### NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe which rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 would not affect intermarket nor intramarket competition because none of these changes are designed to amend any rebate or alter the manner in which the Exchange calculates rebates. This change is not designed to have a competitive impact. Rather, it is intended to make clear to Members and investors within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion.

#### MidPoint Discretionary Order Add Volume Tier

The Exchange believes that its proposal to adopt a MidPoint Discretionary Order Add Volume Tier would increase intermarket competition because it would incentivize Members to send an increased amount MidPoint Discretionary orders to the Exchange in order to qualify for the tier's decreased fee. The Exchange believes that its proposal would neither increase nor decrease intramarket competition because the MidPoint Discretionary Order Add Volume Tier would apply uniformly to all Members and the ability of some Members to meet the tier would only benefit other Members by

contributing to increased liquidity at the midpoint of the NBBO and better market quality at the Exchange.

#### Footnote 13

The Exchange believes that amending footnote 13 to reflect current system functionality that orders yielding fee code 5 will be allocated accordingly amongst added fee codes and removal fee codes would increase intermarket competition because it would encourage Members to direct their orders to the Exchange because they would have certainty as to how their orders will be allocated when determining whether that Member qualified for a certain pricing tier. The Exchange believes that its proposal would neither increase nor decrease intramarket competition because the fee code 5 and footnote 13 would continue to apply uniformly to all Members.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>16</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>17</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-EDGA-2015-13 on the subject line.

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>17</sup> 17 CFR 240.19b-4(f).

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-EDGA-2015-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGA-2015-13, and should be submitted on or before April 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015-05858 Filed 3-13-15; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>18</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74464; File No. SR-EDGX-2015-13]

### Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGX Exchange, Inc.

March 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 2, 2015, EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a to amend its fees and rebates applicable to Members<sup>5</sup> of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (“Fee Schedule”) to: (i) Decrease the rebate from \$0.00150 per share to \$0.00040 per share for orders that yield fee code A, which routes to the Nasdaq Stock Market LLC (“Nasdaq”) and adds liquidity; (ii) add new fee code RN, which routes to Nasdaq using the ROOC routing strategy and adds liquidity; (iii) add a bullet to the General Notes section regarding the rates that would apply when the New York Stock Exchange, Inc. (“NYSE”) or NYSE MKT LLC (“NYSE MKT”) declare an emergency condition under their Rule 49; (iv) amend footnotes 1, 2, and 4 to place parentheses around the amount of the rebate to be provided for

each tier; (v) amend footnote 10 regarding how a Member’s volume attributed to fee code 5 will be allocated; and (vi) amend fees related to the use of ConnectEdge.

The text of the proposed rule change is available at the Exchange’s Web site at [www.batstrading.com](http://www.batstrading.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to: (i) Decrease the rebate from \$0.00150 per share to \$0.00040 per share for orders that yield fee code A, which routes to Nasdaq and adds liquidity; (ii) add new fee code RN, which routes to Nasdaq using the ROOC routing strategy and adds liquidity; (iii) add a bullet to the General Notes section regarding the rates that would apply when the NYSE or NYSE MKT declare an emergency condition under their Rule 49; (iv) amend footnotes 1, 2, and 4 to place parentheses around the amount of the rebate to be provided for each tier; (v) amend footnote 10 regarding how a Member’s volume attributed to fee code 5 will be allocated; and (vi) amend fees related to the use of ConnectEdge.

###### Fee Code A

In securities priced at or above \$1.00, the Exchange currently provides a rebate of \$0.00150 per share for Members’ orders that yield fee code A, which routes to Nasdaq and adds liquidity. The Exchange proposes to amend its Fee Schedule to decrease this rebate to \$0.00040 per share for Members’ orders that yield fee code A. The proposed change represents a pass through of the rate that BATS Trading, Inc. (“BATS Trading”), the Exchange’s affiliated routing broker-dealer, is

rebated for routing orders in certain symbols to Nasdaq when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq, it is rebated a standard rate of \$0.00040 per share for orders in select symbols (“Nasdaq’s Select Symbol Program”).<sup>6</sup> BATS Trading will pass through this rate on Nasdaq to the Exchange and the Exchange, in turn, will pass through this rate to its Members. The Exchange notes that the proposed change is in response to Nasdaq’s January 2015 fee change where Nasdaq decreased the rebate it provides its customers, such as BATS Trading, from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share for orders in symbols included in Nasdaq’s Select Symbol Program.<sup>7</sup>

###### Fee Code RN

The Exchange proposes to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity. Orders that yield fee code RN will receive a rebate of \$0.00150 per share. The ROOC Routing strategy routes orders to participate in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca) if received before the opening/re-opening/closing time of such market. If shares remain unexecuted after attempting to execute in the opening, re-opening, or closing process, they are either posted to the EDGX Book, executed, or routed to destinations on the System routing table. Proposed fee code RN represents a pass through of the rate that BATS Trading, the Exchange’s affiliated routing broker-dealer, is rebated for routing orders to Nasdaq in Tape C securities not included in Nasdaq’s Select Symbol Program when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq using the ROOC routing strategy, it is rebated a standard rate of \$0.00150 per share for Tape C securities that are not included in Nasdaq’s Select Symbol Program.<sup>8</sup>

<sup>6</sup> The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered discount on Nasdaq or routes an order to Nasdaq in a symbol that is not included in Nasdaq’s Select Symbol Program to receive a rebate of \$0.00040 per share, its rate for Flag A will not change. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the lesser rebate of \$0.00040 per share for all Tapes A, B & C securities.

<sup>7</sup> See Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594 (January 6, 2015) (SR-Nasdaq-2014-128).

<sup>8</sup> The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered discount on Nasdaq or routes an order to Nasdaq in a symbol that is included in Nasdaq’s Select

Continued

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term “Member” is defined as “any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a “member” of the Exchange as that term is defined in Section 3(a)(3) of the Act.” See Exchange Rule 1.5(n).

BATS Trading will pass through this rate on Nasdaq to the Exchange and the Exchange, in turn, will pass through this rate to its Members. The Exchange notes that fee code A above will be applied to all orders routed to Nasdaq not utilizing the ROOC routing strategy that add liquidity.

#### NYSE and NYSE MKT Rule 49

The Exchange proposes to add a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49. Under NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT may invoke their emergency powers during an emergency condition and designate NYSE Arca, Inc. ("NYSE Arca") as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT. In such case, the Exchange will route any order that was intended to be routed to the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge BATS Trading their applicable fee or rebate, and BATS Trading will pass through that fee or rebate to the Exchange who would, in turn, pass that rate along to its Members. Therefore, the Exchange proposes to add a bullet to its Fee Schedule stating that fee codes applicable to orders routed to NYSE Arca will be applied to orders routed to the NYSE or NYSE MKT where, pursuant to NYSE and NYSE MKT Rule 49, the NYSE or NYSE MKT have designated NYSE Arca as their backup facility to receive and process bids and offers and to execute orders on behalf of the NYSE or NYSE MKT.

#### Identifying Rebates in Footnotes 1, 2, and 4

The Exchange proposes to amend footnotes 1, 2, and 4 to place the amount of each rebate in parentheses. The Exchange notes that rebates listed elsewhere in the Fee Schedule are identified by parentheses. Doing so within footnotes 1, 2, and 4 would align the identification of rebates in these footnotes with the way rebates are identified elsewhere in the Fee Schedule.

Symbol Program to receive a rebate of \$0.00040 per share, its rate for Flag RN will not change. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the rebate of \$0.000150 per share for all Tapes A, B & C securities that yield fee code RN.

#### Footnote 10

In December 2014, the Exchange added footnote 10 to state that a Member's monthly volume attributed to fee code 5 will be divided evenly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier.<sup>9</sup> At that time, the Exchange proposed to divide a Member's fee code 5 volume as such because the Exchange's systems could not delineate orders yielding fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfied a certain tier.

In January 2014, the Exchange and its affiliate, EDGA Exchange, Inc. ("EDGA") received approval to effect a merger (the "Merger") of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the "BGM Affiliated Exchanges").<sup>10</sup> In the context of the Merger, the BGM Affiliated Exchanges migrated EDGX and EDGA onto the BATS technology platform, which was completed in January 2015. Under the BATS technology platform, the Exchange is now able to delineate orders yield fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfies a certain tier. Therefore, the Exchange proposes to amend footnote 10 to state that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier.

#### ConnectEdge

The Exchange proposes to amend the fees related to the use of ConnectEdge by: (i) Adopting a fee of \$250 per month for receipt of Nasdaq Glimpse; and (ii) provide access to market data and order entry for the BGM Affiliated Exchanges at no charge. ConnectEdge is a communication and routing service that provides Members an additional means to receive market data from and route orders to any destination connected to the Exchange's network. ConnectEdge does not affect trade executions and would not report trades to the relevant Securities Information Processor. The servers of the Member need not be located in the same facilities as the

Exchange in order to subscribe to ConnectEdge. Members may also seek to utilize ConnectEdge in the event of a market disruption where other alternative connection methods become unavailable.<sup>11</sup>

The Exchange charges a monthly connectivity fee to Members utilizing ConnectEdge to route orders to other exchanges and broker-dealers that are connected to the Exchange's network. The amount of the connectivity fee varies based solely on the bandwidth selected by the Member. Specifically, the Exchange currently charges \$350 for 1 Mb, \$700 for 5 Mb, \$950 for 10 Mb, \$1,500 for 25 Mb, \$2,500 for 50 Mb, and \$3,500 for 100 Mb. The Exchange proposes to provide at no charge, bandwidth required to access each of the BGM Affiliated Exchanges and BZX Options.

Members utilizing ConnectEdge to access the Exchange or its affiliates for either order entry or market data will remain liable for the applicable Physical Connectivity Fees as set forth in the Fee Schedule and charged by each BGM Affiliated Exchange. Currently, the Exchange and EDGA charge \$500 per month a 1 Gb Copper connection, \$1,000 per month for a 1 Gb Fiber connection, and \$2,000 per month for a 10 Gb Fiber connection. BZX and BYX currently charge \$1,000 per month for a 1 Gb physical port at the BZX or BYX primary of secondary data center, \$2,000 per month for a 1 Gb physical port at any other data center where BZX or BYX maintain a point-to-point presence ("PoP"), \$2,500 per month for a 10 Gb physical port at the BZX or BYX primary of secondary data center; and \$5,000 per month for a 10 Gb physical port at any other data center where BZX or BYX maintain a PoP.

ConnectEdge also allows participants to receive market data feeds from exchanges connected to the Exchange's network. In such case, the Member would pay the Exchange a connectivity fee, which varies and is based solely on the amount of bandwidth required to transmit the selected data product to the Member. The proposed connectivity fees range from \$100 to \$3,500 based on the market data product the vendor selects. The Exchange currently charges \$1,300 per month for BZX PITCH

<sup>11</sup> This service is an alternative to a service that the Exchange already provides to its Members—current order-sending Members route orders through access provided by the Exchange to the Exchange that either check the Exchange for available liquidity and then route to other destinations or, in certain circumstances, bypass the Exchange and route to other destinations. See Exchange Rule 11.9(b)(2) (setting forth routing options whereby Members may select their orders be routed to other market centers).

<sup>9</sup> See Securities Exchange Act Release No. 73782 (December 8, 2014), 79 FR 73916 (December 12, 2014) (SR-EDGX-2014-32).

<sup>10</sup> See Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR-EDGX-2013-43; SR-EDGA-2013-34).

Multicast, \$250 per month for BZX PITCH Spin Server, \$350 per month for BYX Pitch Multicast, \$250 per month for BYX Spin Server, \$1,000 per month for BZX Options Pitch, and \$500 per month for EDGA or EDGX.<sup>12</sup> The Exchange proposes to provide access to each of these market data products at no charge. Members would pay any fees charged by the BGM Affiliated Exchange providing the market data feed directly to that exchange.

The Exchange also proposes to adopt a fee of \$250 per month for market data connectivity to Nasdaq Glimpse. Nasdaq Glimpse is a point-to-point data feed connection that provides direct data feed customers with the current state of the Nasdaq execution systems with full market participant attribution.<sup>13</sup> The proposed fee is designed to reflect the amount of bandwidth required to transmit the Nasdaq Glimpse to the Member. Participants would pay any fees charged by Nasdaq for Nasdaq Glimpse directly to Nasdaq.

#### Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on March 2, 2015.<sup>14</sup>

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>15</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>16</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue

to be reasonable and equitably allocated to Members.

#### Fee Code A

The Exchange believes that its proposal to decrease the pass through rebate for Members' orders that yield fee code A from \$0.00150 to \$0.00040 per share represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to Nasdaq's Select Symbol Program, Nasdaq provided BATS Trading a rebate of \$0.00150 per share for orders yielding fee code A, which BATS Trading passed through to the Exchange and the Exchange passed through to its Members. In January 2015, Nasdaq decreased the standard rebate it provides its customers, such as BATS Trading, from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share for orders that are routed to Nasdaq in symbols included in its Select Symbol Program.<sup>17</sup> Therefore, the Exchange believes that the proposed change in fee code A from a rebate of \$0.00150 per share to a rebate of \$0.00040 per share is equitable and reasonable because it accounts for the pricing changes on Nasdaq. In addition, the proposal allows the Exchange to continue to charge its Members a pass-through rate for orders that are routed to Nasdaq. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by security for those included in Nasdaq's Select Symbol Program, it will pass through the lesser rebate of \$0.00040 per share for all Tapes A, B & C securities routed to Nasdaq. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### Fee Code RN

The Exchange believes its proposal to adopt new fee code RN, which would be applied to orders routed to Nasdaq using the ROOC routing strategy that add liquidity, represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to Nasdaq through BATS Trading using the ROOC routing strategy. Proposed fee code RN represents a pass through of the rate that BATS Trading, the Exchange's affiliated routing broker-dealer, is rebated for routing orders to Nasdaq in certain

securities not included in Nasdaq's Select Symbol Program when it does not qualify for a volume tiered rebate. When BATS Trading routes to Nasdaq using the ROOC routing strategy, it is rebated a standard rate of \$0.00150 per share for Tape C securities that are not included in Nasdaq's Select Symbol Program.<sup>18</sup> Therefore, the Exchange believes to provide proposed fee code RN a rebate of \$0.00150 per share is equitable and reasonable because it accounts for pricing on Nasdaq and allows the Exchange to charge its Members a pass-through rate for orders that are routed to Nasdaq using the ROOC routing strategy. The Exchange further notes that, due to billing system limitations that do not allow for separate rates by security for those included in Nasdaq's Select Symbol Program, it will pass through the rebate of \$0.00150 per share for all Tapes A, B & C securities routed to Nasdaq yielding fee code RN. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe the rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 is reasonable because it is designed to provide greater transparency to Members by describing which rates would apply in such circumstances. In the case when NYSE or NYSE MKT invoke their Rule 49, the Exchange will route any order that was intended for the NYSE or NYSE MKT to NYSE Arca and the Exchange's System will identify such trades as being executed on NYSE Arca, not the NYSE or NYSE MKT. Because the executions occurred on NYSE Arca, NYSE Arca will charge their applicable fee or rebate. The proposed bullet is intended to make clear within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. The Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-

<sup>12</sup> Market data connectivity to EDGA and EDGX is free if the Member's connection is within the Equinix facilities in Secaucus, New Jersey.

<sup>13</sup> See <http://www.nasdaqomx.com/transactions/marketdata/europeanproducts/data-feeds/glimpse> for a description of Nasdaq Glimpse.

<sup>14</sup> The date of the EDGX Fee Schedule was previously amended to March 2, 2015 in SR-EDGX-2015-12 filed on February 26, 2015.

<sup>15</sup> 15 U.S.C. 78f.

<sup>16</sup> 15 U.S.C. 78f(b)(4).

<sup>17</sup> See *supra* note 6.

<sup>18</sup> See *supra* note 8.

discriminatory because it applies uniformly to all Members.

#### Identifying Rebates in Footnotes 1, 2, and 4

The Exchange believes that amending footnotes 1, 2, and 4 to place the amount of each rebate in parentheses is reasonable because it is designed to provide greater transparency to Members by aligning the identification of rebates in these footnotes with the way rebates are identified elsewhere in the Fee Schedule. The Exchange notes that this change is not designed to amend any rebate, nor alter the manner in which it calculates rebates. This non-substantive change to the Fee Schedule is intended to make the Fee Schedule clearer and less confusing for investors and eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

#### Footnote 10

The Exchange believes proposed footnote 10 stating that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes when determining whether that Member satisfied a certain tier represents an equitable allocation of reasonable dues, fees, and other charges. Footnote 10 initially divided a Member's fee code 5 volume as such because fee code 5 includes both added and removed liquidity and the Exchange's systems could not delineate orders yielding fee code 5 that added from those that removed liquidity purposes of determining whether a Member satisfies a certain tier. Under the BATS technology platform, the Exchange is now able to delineate orders yield fee code 5 that added from those that removed liquidity for purposes of determining whether a Member satisfies a certain tier. Therefore, the Exchange believes amending footnote 10 to state that a Member's monthly volume attributed to fee code 5 will be allocated accordingly between the added fee codes and removal fee codes is reasonable because it would provide Members an accurate understanding of how their orders yielding fee code 5 would be allocated amongst added and removed volume for purposes of determining whether they satisfied a certain tier. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

#### ConnectEdge

The Exchange believes its proposal to amend fees for the use of ConnectEdge is consistent with Section 6(b)(4) of the Act,<sup>19</sup> in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. The Exchange charges a connectivity fee to Members utilizing ConnectEdge to route orders to or receive market data from other exchanges and market centers that are connected to the Exchange's network, the amounts of which vary based solely on the amount of bandwidth selected by the Member or required to transmit the market data. The BGM Affiliated Exchanges are currently located in different data centers and the Exchange is in the process of transitioning itself and its affiliates into a single data center. Members currently located in a different data center than one of the BGM Affiliated Exchanges may utilize ConnectEdge to connect to that BGM Affiliated Exchange and would be subject to the applicable ConnectEdge fees. The Exchange has notified Members that it is migrating the BGM Affiliated Exchange into a single data center and many of those Members are already located in that data center or may elect to establish a presence in that data center. In the interim, the Exchange proposes to charge no fee for the use of ConnectEdge to access the BGM Affiliated Exchange as an accommodation to Members pending the migration. Once the migration is complete, it will not be necessary for a ConnectEdge subscriber to pay an additional fee for order entry or receipt of market data from the Exchange or of its affiliates if located in the same data center over and above the connectivity fees currently charged.<sup>20</sup> Therefore, the Exchange believes it is reasonable and equitable to charge no fee for the use of ConnectEdge to access the BGM Affiliated Exchanges during this transitional period.

The Exchange also believes that its fee of \$250 per month for market data connectivity to Nasdaq Glimpse is consistent with Section 6(b)(4) of the Act,<sup>21</sup> in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. ConnectEdge is offered and purchased on a voluntary basis, in that neither the

Exchange nor Members are required by any rule or regulation to make this product available. Accordingly, Members can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Moreover, the Exchange believes the proposed fees are reasonable and equitable because they are based on the Exchange's costs to cover the amount of bandwidth required to provide connectivity to Nasdaq Glimpse. The proposed fees allow the Exchange to recoup this cost, while providing Members with an alternative means to connect to Nasdaq Glimpse. The Exchange believes that the proposed fees are reasonable and equitable in that they reflect the costs and the benefit of providing alternative connectivity.

Lastly, the Exchange also believes that the proposed amendments to its fee schedule are non-discriminatory because they will apply uniformly to all Members. All Members that voluntarily select various service options will be charged the same amount for the same services. All Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the service.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

#### Fee Code A

The Exchange believes that its proposal to pass through a rebate of \$0.00040 per share for Members' orders that yield fee code A would increase intermarket competition because it offers customers an alternative means to route to Nasdaq for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the

<sup>19</sup> 15 U.S.C. 78f(b)(4).

<sup>20</sup> Similarly, the Exchange notes that it currently charges no fee to Member's utilizing ConnectEdge to connect to the Exchange and EDGA if located in the same data center.

<sup>21</sup> 15 U.S.C. 78f(b)(4).

proposed rate would apply uniformly to all Members.

#### Fee Code RN

The Exchange believes that its proposal to add fee code RN for orders that route to Nasdaq using the ROOC routing strategy and pass through a rebate of \$0.00150 per share to Members would increase intermarket competition because it offers customers an alternative means to route orders to Nasdaq to participate in their opening, re-opening or closing process for a similar rate as entering orders in certain symbols on Nasdaq directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

#### NYSE and NYSE MKT Rule 49

The Exchange believes that adding a bullet under the General Notes section of the Fee Schedule to describe which rates that would apply where the NYSE or NYSE MKT declare an emergency condition under their Rule 49 would not affect intermarket nor intramarket competition because none of these changes are designed to amend any rebate or alter the manner in which the Exchange calculates rebates. This change is not designed to have a competitive impact. Rather, it is intended to make clear to Members and investors within the Fee Schedule which rate would apply where the NYSE or NYSE MKT invoke their emergency powers under their Rule 49, thereby eliminating potential investor confusion.

#### Identifying Rebates in Footnotes 1, 2, and 4

The Exchange believes that amending footnotes 1, 2, and 4 to place the amount of each rebate in parentheses would not affect intermarket nor intramarket competition because none of these changes are designed to amend any rebate or alter the manner in which the Exchange calculates rebates. This change is intended to make the Fee Schedule clearer and less confusing for investors and eliminate potential investor confusion by providing greater clarity to Members with regard to how the Exchange calculates rebates.

#### Footnote 10

The Exchange believes that amending footnote 10 to reflect current system functionality that orders yielding fee code 5 will be allocated accordingly amongst added fee codes and removal fee codes would increase intermarket competition because it would encourage Members to direct their orders to the

Exchange because they would have certainty as to how their orders will be allocated when determining whether that Member qualified for a certain pricing tier. The Exchange believes that its proposal would neither increase nor decrease intramarket competition because the fee code 5 and footnote 10 would continue to apply uniformly to all Members.

#### ConnectEdge

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to accommodate Members while the Exchange migrates itself and its affiliates into a single data center. Once that migration is complete it will not be necessary for a ConnectEdge subscriber to pay an additional fee for order entry or receipt of market data from the Exchange or of its affiliates over and above the connectivity fees currently charged. The Exchange believes that charging no fee during this for the use of ConnectEdge to access the Exchange or its affiliates during this transitional period will not result in any burden on competition that is not necessary or appropriate because Members will remain liable for the applicable Physical Connectivity Fees charged by each BGM Affiliated Exchange. The Exchange believes that its proposal would neither increase nor decrease intramarket competition because it would apply uniformly to all Members.

The Exchange also believes the proposed connectivity fee for Nasdaq Glimpse will not result in any burden on completion. The proposed rule change is designed to provide Members with an alternative means to access Nasdaq Glimpse if they choose or in the event of a market disruption where other alternative connection methods become unavailable. ConnectEdge is not the exclusive method to connect to Nasdaq Glimpse and Members may utilize alternative methods to connect to the product if they believe the Exchange's proposed pricing is unreasonable or otherwise. Therefore, the Exchange does not believe the proposed rule change will have any effect on competition.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any

unsolicited written comments from Members or other interested parties.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>22</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>23</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-EDGX-2015-13 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-EDGX-2015-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official

<sup>22</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>23</sup> 17 CFR 240.19b-4(f).



business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGX-2015-13, and should be submitted on or before April 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**Brent J. Fields,**  
Secretary.

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BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74463; File No. SR-EDGX-2015-12]

### Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGX Exchange, Inc.

March 10, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 26, 2015, EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to

Members<sup>5</sup> of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (“Fee Schedule”) related to the fees charged and rebates provided for executions occurring at the midpoint of the National Best Bid or Offer (“NBBO”) by: (i) Amending the descriptions of fee codes MM and MT; and (ii) adopting new fee code AM.

The text of the proposed rule change is available at the Exchange’s Web site at [www.batstrading.com](http://www.batstrading.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its Fee Schedule related to the fees charged and rebates provided for executions occurring at the midpoint of the NBBO by: (i) Amending the descriptions of fee codes MM and MT; and (ii) adopting new fee code AM.

###### Fee Code MM

Fee code MM is applied to orders that add liquidity at the midpoint of the NBBO using: (i) A MidPoint Match Order;<sup>6</sup> (ii) an order with a Hide Not Slide instruction;<sup>7</sup> or (iii) an order with a Non-Displayed instruction.<sup>8</sup> Orders yielding fee code MM are charged a fee of \$0.0012 per share in securities priced at \$1.00 or above and receive a rebate of \$0.00003 per share in securities

priced below \$1.00. The Exchange proposes to reformat the description of fee code MM using numbers (1) through (3) to better delineate each transaction to which the fee code is applied.

Pursuant to footnote 11 of the Fee Schedule, an order with a Non-Displayed instruction will receive fee code MM where it executes against an order that receives fee code MT, as discussed below. The Exchange proposes to amend footnote 11 to specifically state that an order with a Non-Displayed instruction that adds liquidity at the midpoint of the NBBO will only receive fee code MM where it receives price improvement relative to its limit price (in contrast to an order receiving fee code AM, as proposed below). Footnote 11 also currently lists the three types of orders against which an order with a Non-Displayed instruction will execute that results in fee code MM for such order, including orders with a Hide Not Slide instruction (as well as MidPoint Match Orders and orders with a Non-Displayed and Post Only instruction). The Exchange proposes to specify in footnote 11 that an order with a Non-Displayed instruction executing against an order with a Hide Not Slide instruction will receive fee code MM if the order with a Hide Not Slide instruction receives fee code MT because it also contains a Post Only instruction<sup>9</sup> and the difference between the NBB and NBO is \$0.01. The applicability of fee code MT to such orders with a Hide Not Slide instruction is described in further detail below and in proposed footnote 13. As described below, the Exchange proposes an update to footnote 3, which relates to a volume tier for orders that receive fee code MM, and to append footnote 3 to fee code MM, as this is the fee code to which the footnote pertains.

Neither the proposed changes to fee code MM nor the proposed changes to footnotes 3 and 11 are intended to amend the amount of the fees charged, the amount of the rebate provided or the transactions to which fee code MM is applied. The proposed changes are intended to clearly delineate the transactions to which fee code MM may be applied when adding liquidity at the midpoint of the NBBO.

###### Fee Code MT

Fee code MT is applied to orders that remove liquidity at the midpoint of the NBBO using: (i) A MidPoint Match Order; (ii) an order with a Hide Not Slide instruction; or (iii) an order with a Non-Displayed and Post Only

<sup>9</sup> See Rule 11.6(n)(4) for a description of the Post Only instruction.

<sup>24</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term “Member” is defined as “any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a “member” of the Exchange as that term is defined in section 3(a)(3) of the Act.” See Exchange Rule 1.5(n).

<sup>6</sup> See Rule 11.8(d) for a description of MidPoint Match Orders.

<sup>7</sup> See Rule 11.6(l)(1)(B) for a description of the Hide Not Slide instruction.

<sup>8</sup> See Rule 11.6(e)(2) for a description of the Non-Displayed instruction.



instruction. Orders yielding fee code MT are charged a fee of \$0.0012 per share in securities priced at \$1.00 or above and 0.30% of the trade's dollar value in securities priced below \$1.00. The Exchange proposes to reformat the description of fee code MT using numbers (1) through (3) to better delineate each type of transaction to which the fee code is applied. The Exchange also proposes to specify within the description of fee code MT that an order with a Non-Displayed and Post Only instruction that removes liquidity at the midpoint of the NBBO will receive fee code MT if such order receives price improvement relative to its limit price. As background for this change, an order with a Post Only instruction typically does not remove liquidity. However, pursuant to Rule 11.6(n)(4), an order with a Post Only instruction will remove contra-side liquidity from the EDGX Book<sup>10</sup> under specific circumstances, including if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGX Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. Thus, to the extent an order with a Non-Displayed and Post Only instruction would not receive price improvement at the midpoint of the NBBO relative to its limit price then it will not remove liquidity on entry based on the Post Only instruction on such order. Accordingly, the additional language proposed for fee code MT is intended to avoid potential confusion that all orders with a Non-Displayed and Post Only instruction will remove liquidity and receive such fee code.

The Exchange also proposes to append footnote 13 to fee code MT. Proposed footnote 13 would further explain when an order with a Hide Not Slide instruction would remove liquidity at the midpoint of the NBBO and receive fee code MT. Specifically, as proposed, an order with a Hide Not Slide instruction that removes liquidity at the midpoint of the NBBO will receive fee code MT if such order also contains a Post Only instruction and the difference between the NBB and NBO is \$0.01. As described in further detail below, by charging a lower fee of \$0.0012 per share for an order with a Hide Not Slide and Post Only instruction, the Exchange facilitates an execution pursuant to its rule applicable to orders with a Post Only instruction (*i.e.*, such orders will execute despite their Post Only instruction if

economically in the best interest of the Member, as described above).<sup>11</sup> If, instead, the Exchange assigned its standard fees in such a situation, an order with a Hide Not Slide and Post Only instruction would instead be posted to the EDGX Book because the price improvement associated with a midpoint execution when the spread of the NBBO is \$0.01 would not be sufficient to result in an execution. The Exchange also proposes to state in footnote 13 that it will charge the standard fee to remove liquidity to any order with a Hide Not Slide instruction that does not contain a Post Only instruction and to any order with a Hide Not Slide and Post Only instruction that removes liquidity at the midpoint of the NBBO when the difference between the NBB and NBO is larger than \$0.01.

Neither the proposed changes to fee code MT nor the addition of footnote 12 are intended to amend the amount of the fees charged or the transactions to which fee code MT is applied. These changes are intended to clearly delineate the transactions to which fee code MT may be applied when removing liquidity at the midpoint of the NBBO.

#### Fee Code AM

The Exchange proposes to adopt new fee code AM, which would be applied to certain orders that add liquidity at the midpoint of the NBBO using: (i) An order with a Non-Displayed instruction; or (ii) an order with a Discretionary Range instruction.<sup>12</sup> Under the Exchange's fee structure, executions of orders with a Non-Displayed instruction that add liquidity and to which fee code MM does not apply receive fee code HA and a rebate of \$0.0015 per share. Further, orders with a Discretionary Range instruction receive either a rebate of \$0.0020 per share if such orders include a Displayed instruction or a rebate of \$0.0015 per share if such orders include a Non-Displayed instruction.<sup>13</sup> As proposed, rather than

receiving a rebate of \$0.0015 or \$0.0020 per share when executing against incoming MidPoint Match Orders, such orders will yield fee code AM as described above and will not be charged a fee nor provided any rebate. The proposed pricing for fee code AM is applicable to both securities priced at \$1.00 or above and securities priced below \$1.00.

The Exchange also proposes to adopt footnote 12 to add additional detail regarding the situations in which an order with a Non-Displayed instruction that adds liquidity at the midpoint of the NBBO will receive fee code AM (rather than fee code MM). As proposed, an order that adds liquidity at the midpoint of the NBBO using an order with a Non-Displayed instruction will receive fee code AM if it receives no price improvement relative to its limit price and executes against the following orders that receive fee code MT: A MidPoint Match order and an order with a Non-Displayed and Post Only instruction. As explained in further detail below, the Exchange proposes to adopt footnote 12 to specifically differentiate between an order with a Non-Displayed instruction that receives price improvement relative to its limit price, which will receive fee code MM and pay a fee of \$0.0012 per share in such circumstances, and an order with a Non-Displayed instruction that receives no price improvement relative to its limit price, which will receive fee code AM and neither pay a fee nor receive a rebate. A Member that submits an order with a Non-Displayed instruction that is resting on the Exchange likely anticipates to receive an execution with fee code HA, and thus, a rebate of \$0.0015 per share; however, the Exchange believes that assigning fee code MM and charging a fee when an execution occurs at a price better than an order's limit price is reasonable because it recognizes the value associated with the price improvement received by the Non-Displayed order as compared to the limit price of the order. In contrast, when a Member expects a rebate and receives no price improvement, the Exchange believes it is reasonable to provide an execution free of charge in order to facilitate an execution at the midpoint of the NBBO.

Similarly, as proposed, an order with a Discretionary Range instruction will receive fee code AM where it adds liquidity at the midpoint of the NBBO and executes against a MidPoint Match

<sup>11</sup> The Exchange notes that a recently approved proposal to amend Exchange rules provided information regarding the execution of an order with a Hide Not Slide instruction and a Post Only instruction at the midpoint of the NBBO. See Securities Exchange Act Release No. 72676 (July 25, 2014), 79 FR 44520, 44535 (July 31, 2014) ("Proposing Release"), "Operation of Limit Orders with Displayed and Post Only Instructions," Example Number 1, Scenario Number 2. See also, Securities Exchange Act Release No. 73468 (October 29, 2014), 79 FR 65450 (November 4, 2014) (SR-EDGX-2014-18) ("Approval Order"). The Exchange believes, however, that readers of the Exchange's fee schedule could benefit from additional detail with respect to this behavior.

<sup>12</sup> See Rule 11.6(d) for a description of the Discretionary Range instruction.

<sup>13</sup> Currently, such orders may receive an increased rebate where the Member qualifies for the

<sup>10</sup> See Rule 1.5(d) for the definition of the EDGX Book.

Exchange's tier-based pricing structure. Orders yielding fee code AM will continue to count towards a Member's monthly ADV to determine whether that Member qualifies for an increased rebate or lower fee.

order. The Exchange believes it is reasonable to apply fee code AM to an order with a Discretionary Range instruction for reasons similar to those described above. Although a Member representing an order with a Discretionary Range instruction on the Exchange is likely expecting to receive a rebate for such execution, if the Member receives a midpoint execution against a MidPoint Match Order and receives fee code AM, such Member is at least receiving price improvement as compared to the NBB or NBO, as applicable.

In addition to the changes described above, the Exchange proposes to modify footnote 3 to add fee code AM to the list of orders that contribute to the tier calculation specified in such footnote. Footnote 3 describes the MidPoint Match Volume Tier, which results in executions without charge or rebate for any Member that adds liquidity yielding fee code MM if such Member adds or removed a combined ADV of 2,500,000 shares resulting from various fee codes related to midpoint executions, including AA, MM or MT. The Exchange proposes to add fee code AM to this list, as executions receiving fee code AM will also be midpoint executions.

The below examples illustrate when fee codes AM and MM would be applied to executions of specified orders at the midpoint of the NBBO.

*Example—An Order With a Non-Displayed Instruction Adds Liquidity*

Assume the NBBO is \$10.00 by \$10.10, resulting in a midpoint of the NBBO of \$10.05. Assume the Exchange receives an order with a Non-Displayed and Book Only instruction<sup>14</sup> to buy 100 shares at \$10.05 per share and that there is no available contra-side liquidity on the EDGX Book. The order to buy is posted to the EDGX Book non-displayed at \$10.05, the midpoint of the NBBO. An incoming MidPoint Match Order to sell is entered and executes against the resting order to buy at \$10.05, the midpoint of the NBBO. The order to buy with a Non-Displayed and Book Only instruction will receive fee code AM and will not be charged a fee because it added liquidity at the midpoint of the NBBO against an incoming Midpoint Match Order and did not receive price improvement relative to its limit price. The incoming MidPoint Match Order to sell will receive fee code MT and will be charged \$0.0012 per share based on the Exchange's pre-existing pricing structure. The result would be the same

if the incoming order was not a MidPoint Match Order but was instead an order with a Non-Displayed and Post Only instruction that removed liquidity on entry (*i.e.*, priced at \$10.04 or better, thus removing liquidity based on the economic best interest discussion above).

If, in the example above, the original order posted to the EDGX Book was an order with a Non-Displayed and Book Only instruction to buy 100 shares at \$10.06 per share, then the example above would still be accurate except that such order would receive fee code MM and would be charged a fee of \$0.0012 per share because the order receives price improvement relative to its limit price when executed.<sup>15</sup>

*Example—An Order With a Discretionary Range Instruction Yields Fee Code AM*

Assume again that the NBBO is \$10.00 by \$10.10, resulting in a midpoint of the NBBO of \$10.05. Assume the Exchange receives an order with a Displayed and Book Only instruction to buy 100 shares of a security at \$10.00 per share and that such order also contains a Discretionary Range instruction to pay up to an additional \$0.05 per share. Further assume that there is no available contra-side liquidity on the EDGX Book. The order to buy is posted to the EDGX Book at \$10.00 with discretion to pay up to \$10.05. An incoming MidPoint Match Order to sell is entered and executes against the resting order with a Discretionary Range instruction to buy at \$10.05, the midpoint of the NBBO. The order to buy with a Discretionary Range instruction will receive fee code AM and will not be charged a fee because it added liquidity at the midpoint of the NBBO against an incoming Midpoint Match Order. The incoming MidPoint Match Order will receive fee code MT and be charged \$0.0012 per share based on the Exchange's pre-existing pricing structure.

**Implementation Date**

The Exchange proposes to implement these amendments to its Fee Schedule on March 2, 2015.

<sup>15</sup> As set forth in Rule 11.6(l)(3), an order with a Non-Displayed instruction that is priced better than the midpoint of the NBBO is ranked at the midpoint of the NBBO with discretion to execute at its limit price. Thus, an order to buy at \$10.06 with a Non-Displayed instruction would be re-priced to \$10.05 with discretion to its limit price of \$10.06. In turn, when the later arriving MidPoint Match Order arrives the execution would occur at \$10.05, thus resulting in an execution \$0.01 better than the limit price of the order with the Non-Displayed instruction.

**2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with the objectives of section 6 of the Act,<sup>16</sup> in general, and furthers the objectives of section 6(b)(4),<sup>17</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members.

The Exchange believes the proposed amendments to fee codes MM and MT are reasonable and equitable and not unfairly discriminatory because they provide additional specificity regarding the fees charged for executions occurring at the midpoint of the NBBO. The Exchange notes that the proposed changes to fee codes MM, MT, and the related footnotes do not amend the amount of the fees charged or rebate provided. Nor do the proposed changes to fee code MM, MT, or the related footnotes amend the transactions to which they may be applied. These changes are intended to amend the description of fee codes MM and MT to clearly delineate the transactions to which such fee codes are applied when adding liquidity and removing liquidity at the midpoint of the NBBO. Included within these changes are the changes to footnotes 11 and 13 that specify when an order with a Hide Not Slide instruction will receive fee code MT (*i.e.*, when also designated with a Post Only instruction and the difference between the NBB and NBO is \$0.01). The Exchange believes that this pricing model is reasonable and equitable because it helps to facilitate executions at the midpoint of the NBBO that would not otherwise occur based on the Post Only instruction of such orders. Based on the foregoing, the proposed rule changes would remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange also believes the proposed new fee code AM is consistent with the objectives of section 6 of the Act,<sup>18</sup> in general, and furthers the objectives of section 6(b)(4),<sup>19</sup> in

<sup>16</sup> 15 U.S.C. 78f.

<sup>17</sup> 15 U.S.C. 78f(b)(4).

<sup>18</sup> 15 U.S.C. 78f.

<sup>19</sup> 15 U.S.C. 78f(b)(4).

<sup>14</sup> See Rule 11.6(n)(3) for a description of the Book Only instruction.

particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities because it will enable the Exchange to realign its pricing structure for such executions with its costs for providing such executions while continuing to enable the Exchange to offer competitive, incentive based pricing for executions occurring at the midpoint of the NBBO. The Exchange believes that all Members utilizing orders that are eligible for an execution at the midpoint receive a form of price improvement even when such price improvement is not measured against their limit price. Specifically, a midpoint execution is by definition a better price than executing at the NBB for an order to sell or NBO for an order to buy. Therefore, the Exchange believes it is reasonable and equitable to provide a free transaction (*i.e.*, no fee or rebate) for those executions at the midpoint of the NBBO that yield fee code AM. The Exchange also believes that the proposed pricing for fee code AM is not unfairly discriminatory because it is tailored to balance competing interests of the Member that submitted the order to add liquidity (and likely expects a rebate) against the fact that such Member receives a midpoint execution, which is typically an execution that is charged a fee pursuant to the Exchange's fee structure based on the value of such execution when compared to the NBB or NBO.

The Exchange's fee structure is intended to reasonably and equitably allocate fees amongst Members that receive executions at the midpoint of the NBBO under various scenarios. For example, an order with a Non-Displayed instruction that adds liquidity at the midpoint of the NBBO that executes against an incoming MidPoint Match Order and receives price improvement relative to its limit price will receive fee code MM and pay a fee of \$0.0012 per share. While such order has added liquidity, and thus the User that sent the order would typically expect a rebate, the Exchange believes that it is reasonable and equitable to impose a modest fee for such execution based on the price improvement received as compared to the order's limit price. In contrast, as proposed, that same order with a Non-Displayed instruction that similarly adds liquidity at the midpoint of the NBBO but receives no price improvement will yield fee code AM. Because such order has not received price improvement over its limit price but has received an execution between the NBB and NBO, the Exchange

believes it is reasonable and equitable not to assess a fee nor to pay a rebate. The Exchange further believes it is reasonable and equitable not to provide a rebate in such a circumstance because of the midpoint execution received on such order—while not price improvement from an order's limit price, a midpoint execution is still price improvement as compared to the NBB or NBO, as applicable. The Exchange believes that the proposed pricing structure is reasonable and equitable because whether the order with a Non-Displayed instruction pays a fee or not in such circumstances is dependent on the order receiving price improvement. In addition, it is also reasonable and equitable to provide an order with a Discretionary Range instruction that adds liquidity at the midpoint of the NBBO against an incoming MidPoint Match Order with an execution at no charge because, as stated above, it will enable the Exchange to realign its fees and rebates for such executions while continuing to enable the Exchange to provide low cost midpoint executions for such orders. Lastly, the Exchange also believes that the proposed fee structure for fee code AM, MM and MT is not unfairly discriminatory because it applies uniformly to all Members and because all applicable order types and order instructions are equally available to all Members.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that proposed amendments to fee codes MM and MT would not result in any burden on competition because they are not designed to have a competitive impact. Rather, such changes are proposed to provide additional specificity regarding the fees charged for executions occurring at the midpoint of the NBBO.

The Exchange further believes that proposed fee code AM would increase intermarket competition because it would lead to more competition for orders that seek liquidity at the midpoint of the NBBO by continuing to allow the Exchange to offer competitive, incentive based pricing for midpoint executions. The Exchange believes that proposed fee code AM would neither increase nor decrease intramarket competition because it would apply uniformly to all Members. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can

readily direct order flow to competing venues if the deemed fee structures to be unreasonable or excessive.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act<sup>20</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>21</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-EDGX-2015-12 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-EDGX-2015-12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

<sup>20</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>21</sup> 17 CFR 240.19b-4(f).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGX-2015-12, and should be submitted on or before April 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>22</sup>

**Brent J. Fields,**  
Secretary.

[FR Doc. 2015-05859 Filed 3-13-15; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

*Extension:* Rule 17a-5(c).

SEC File No. 270-199, OMB Control No. 3235-0199.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17a-5(c), (17 CFR 240.17a-5(c)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a-5(c) generally requires broker-dealers who carry customer accounts to provide statements of the broker-dealer's financial condition to their customers. Paragraph (5) of Rule 17a-5(c) provides a conditional

exemption from this requirement. A broker-dealer that elects to take advantage of the exemption must publish its statements on its Web site in a prescribed manner, and must maintain a toll-free number that customers can call to request a copy of the statements.

The purpose of the Rule is to ensure that customers of broker-dealers are provided with information concerning the financial condition of the firm that may be holding the customers' cash and securities. The Commission, when adopting the Rule in 1972, stated that the goal was to "directly" send a customer essential information so that the customer could "judge whether his broker or dealer is financially sound." The Commission adopted the Rule in response to the failure of several broker-dealers holding customer funds and securities in the period between 1968 and 1971.

The Commission estimates that approximately 213 broker-dealer respondents carrying approximately 115 million public customer accounts incur an average burden of 142,424 hours per year to comply with the Rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: [Shagufta\\_Ahmed@omb.eop.gov](mailto:Shagufta_Ahmed@omb.eop.gov); and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

Dated: March 10, 2015.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2015-05984 Filed 3-13-15; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74465; File No. SR-ISE-2014-24]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Modify ISE's Opening Process

March 10, 2015.

#### I. Introduction

On November 19, 2014, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to modify the opening process of the Exchange. The proposed rule change was published for comment in the **Federal Register** on December 10, 2014.<sup>3</sup> On January 23, 2015, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change, to March 10, 2015.<sup>4</sup> The Commission received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act<sup>5</sup> to determine whether to approve or disapprove the proposed rule change.

#### II. Description of the Proposal

The Exchange proposes to (1) clarify and codify existing functionality within the trading system regarding the procedures for initiation of the opening process, and (2) modify the manner in which the Exchange's trading system opens trading at the beginning of the day and after trading halts.

According to the Exchange, the proposed rule change would codify certain existing functionality within the trading system that was not previously described in the Exchange's rule and would provide new procedures for initiation of the opening rotation at the Exchange's opening and reopening after a trading halt. A more detailed

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 73736 (December 4, 2014), 79 FR 73354 ("Notice").

<sup>4</sup> See Securities Exchange Act Release No. 74126 (January 23, 2015), 80 FR 4953 (January 29, 2015).

<sup>5</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>22</sup> 17 CFR 200.30-3(a)(12).

description of the initiation procedure is available in the Notice.<sup>6</sup>

The Exchange also proposes to amend its opening rotation process. The Exchange believes that there are issues with its current opening process. Namely, because its opening process does not provide away market price protection, the Exchange believes that order flow providers are sending fewer pre-open orders to ISE. In addition, the Exchange states that “the opening of options series can be delayed by imbalances that prevent ISE from determining an opening price in a timely manner” and that “such delays exacerbate the problem of not providing price protection at the opening.”<sup>7</sup>

To address its concerns, ISE proposes an iterative opening process. As described in the Notice, in the first iteration, the trading system will attempt to derive the first opening price to be at or better than the ISE Market Maker quotes and away best bid or offer (“ABBO”) prices. When there is executable interest, the trading system will first calculate a range of prices within which to open the options series (“Boundary Prices”). As is the case today, the trading system will use quotes provided by the Primary Market Maker (“PMM”) for the series in question to set the first Boundary Prices. If the PMM is not present on either side of the market, then the best quotes from the Competitive Market Makers (“CMMs”) will be used on the corresponding side. If there are no PMM or CMM quotes on the bid side, the lowest minimum trading increment for the option class will be used on the bid side. If there are no PMM or CMM quotes on the offer side, the options class will not open because in the absence of an offer there is no limit as to the price at which an opening trade can occur. If the options class is open on another exchange, the Boundary Prices will be determined to be the higher of the ISE Market Maker’s bid in that options class and the national best bid, and the lower of the ISE Market Maker’s offer in that options class and the national best offer.

Once the trading system has determined the Boundary Prices, as appropriate, it then will determine the price at which the maximum number of contracts can trade at or within the appropriate Boundary Prices (the “execution price”).<sup>8</sup> Once the trading system determines the execution price,

orders and quotes will be processed as follows—market orders will be given priority before limit orders and quotes, and limit orders and quotes will be given priority by price. For limit orders and quotes with the same price, priority will be accorded first to Priority Customer Orders<sup>9</sup> over Professional Orders<sup>10</sup> and quotes. Priority Customer Orders with the same limit price will be executed in random<sup>11</sup> while Professional Orders and quotes with the same limit price will be executed pro-rata based on size. If the Boundary Prices are calculated using the national best bid or offer (“NBBO”), any remaining Public Customer Orders<sup>12</sup> after this iteration that would lock or cross a bid or offer from another exchange will be processed in accordance with Supplementary Material .02 to ISE Rule 1901.<sup>13</sup> Any remaining Non-Customer Orders<sup>14</sup> that would lock or cross a bid or offer from another exchange may trade outside the Boundary Prices by up to two trading increments as further described under the third iteration below.

If after the first iteration there remain unexecuted orders and quotes that lock

or cross each other, the trading system will initiate a second iteration.<sup>15</sup> In the second iteration, the trading system will use either the ISE Market Maker quotes or the ABBO prices,<sup>16</sup> whichever was not used in the first iteration, to establish the Boundary Prices. For example, if the ISE Market Maker quotes were used in the first iteration, the second iteration will use ABBO prices and vice versa. If there were no ABBO prices for consideration for the first iteration, then this second iteration will not occur and the trading system will initiate the third iteration as described below.

In the second iteration, the trading system will again determine the execution price at which the maximum number of contracts can trade at or within the widened Boundary Prices. Once the trading system determines the second execution price, orders and quotes will be processed as follows—market orders will be given priority before limit orders and quotes, and limit orders and quotes will be given priority by price. For limit orders and quotes with the same price, priority will be accorded first to Priority Customer Orders over Professional Orders and quotes. Priority Customer Orders with the same limit price will be executed in random order while Professional Orders and quotes with the same limit price will be executed pro-rata based on size. If the Boundary Prices in the second iteration are calculated using the NBBO, any remaining Public Customer Orders after this iteration that would lock or cross a bid or offer from another exchange will be processed in accordance with Supplementary Material .02 to ISE Rule 1901. Any remaining Non-Customer Orders that would lock or cross a bid or offer from another exchange may trade outside the Boundary Prices by up to two trading increments as further described under the third iteration below.

If after the second iteration there remain unexecuted orders and quotes that lock or cross each other, the trading system will initiate a third iteration.<sup>17</sup> In the third iteration, the prior Boundary Prices, *i.e.*, the prices used in the second iteration, and in the case where the second iteration does not occur, the prices used in the first iteration, will be widened by two trading increments. The trading system will then determine the

<sup>9</sup> Pursuant to ISE Rules 100(a)(37A) and 100(a)(37B), a Priority Customer Order is an order for the account of a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

<sup>10</sup> Pursuant to ISE Rule 100(a)(37C), a Professional Order is an order that is for the account of a person or entity that is not a Priority Customer.

<sup>11</sup> Priority Customer orders with the same limit price in the regular order book are currently executed in time priority during the opening. The Exchange believes executing these orders on a random basis is a fairer approach because the current time priority is dependent on when such orders are communicated to the Exchange by a Priority Customer’s broker before the market, not the time the Priority Customer expressed interest in doing the trade. Executing these orders in random will provide Priority Customer orders an equal opportunity to participate at the open.

<sup>12</sup> Pursuant to ISE Rules 100(a)(38) and 100(a)(39), a Public Customer means a person or entity that is not a broker or dealer in securities and a Public Customer Order means an order for the account of a Public Customer.

<sup>13</sup> Under the Options Order Protection and Locked/Crossed Market Plan (“Options Linkage Plan”), the Exchange cannot execute orders at a price that is inferior to the NBBO, nor can the Exchange place an order on its book that would cause the ISE best bid or offer to lock or cross another exchange’s quote. In compliance with this requirement, Non-Customer Orders and Public Customer Orders are exposed to all ISE Members for up to one second to give them an opportunity to execute orders at the NBBO price or better before orders are rejected (in the case of Non-Customer Orders) or routed out to other exchanges (in the case of Public Customer Orders). See Supplementary Material .02 to Rule 1901.

<sup>14</sup> Pursuant to ISE Rules 100(a)(27) and (28), a Non-Customer means a person or entity that is a broker or dealer in securities and a Non-Customer Order means an order for the account of a Non-Customer.

<sup>15</sup> See Notice, *supra* note 3, at 73357, for an example showing the calculation of the execution price following the second iteration.

<sup>16</sup> The ABBO prices considered in the first iteration are also used during the second iteration.

<sup>17</sup> See Notice, *supra* note 3, at 73357, for an example showing the calculation of the execution price following the third iteration.

<sup>6</sup> See Notice, *supra* note 3 at 73355.

<sup>7</sup> See Notice, *supra* note 3 at 73356.

<sup>8</sup> See Notice, *supra* note 3, at 73356, for an example showing the calculation of the execution price following the first iteration.

price at which the maximum number of contracts could trade at or within the widened Boundary Prices. Once the trading system determines the third execution price, orders and quotes will be processed as follows—market orders will be given priority before limit orders and quotes, and limit orders and quotes will be given priority by price. For limit orders and quotes with the same price, priority will be accorded first to Priority Customer Orders over Professional Orders and quotes. Priority Customer Orders with the same limit price will be executed in random order while Professional Orders and quotes with the same limit price will be executed pro-rata based on size. Thereafter, any unexecuted Priority Customer Orders that lock or cross the Boundary Prices will be handled by the PMM<sup>18</sup> and any unexecuted Professional Orders and Non-Customer Orders that lock or cross the Boundary Prices will be canceled.

If after the third iteration there remain unexecuted orders and quotes that lock or cross each other, the trading system will initiate a fourth and final iteration.<sup>19</sup> In the fourth iteration, the trading system will not calculate new Boundary Prices. The trading system will simply trade any remaining interest. Thereafter, the trading system will open the options series by disseminating the Exchange's best bid and offer derived from the remaining orders and quotes.

### III. Proceedings To Determine Whether To Approve or Disapprove SR-ISE-2014-24 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act<sup>20</sup> to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed

<sup>18</sup> The PMM has the obligation under existing Exchange rules to engage in dealings for its own account when, among other things, there is a temporary disparity between the supply of and demand for a particular options contract, and to act with due diligence in handling orders. See ISE Rule 803(c).

<sup>19</sup> See Notice, *supra* note 3, at 73357–8, for an example showing the calculation of the execution price following the fourth and final iteration.

<sup>20</sup> 15 U.S.C. 78s(b)(2)(B). *Id.* Section 19(b)(2) of the Exchange Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. See *id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. See *id.*

below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

The Exchange believes that “each iteration of the proposed iterative process complies with Section 5(a) of the [Options] Linkage Plan, or qualifies as an exception under Section 5(b)(ii) of the [Options] Linkage Plan.”<sup>21</sup> Section 5(a)—Order Protection—of the Options Linkage Plan requires that each participant exchange establish written policies and procedures that are reasonably designed to prevent trade-throughs and to conduct surveillance to ascertain the effectiveness of such policies and procedures.<sup>22</sup> Section 5(b) provides a number of exceptions to the order protection requirements.<sup>23</sup> Section 5(b)(ii), in particular, provides an exception for a “transaction traded through a Protected Quotation being disseminated by an Eligible Exchange during a trading rotation.”<sup>24</sup>

In the Commission's Order approving the Options Linkage Plan,<sup>25</sup> the Commission stated that the Section 5(b)(ii) exception from trade-throughs was carried over from the previous linkage plan and is similar to an exception available for NMS stocks under Regulation NMS.<sup>26</sup> The Commission further noted that the “trading rotation” in the Options Linkage Plan is “effectively a single price auction to price the option.”<sup>27</sup>

The Commission believes that ISE's proposal raises interpretive issues that warrant further public comment and Commission consideration. Namely, the Commission believes that proceedings are appropriate to consider whether the Exchange's proposed opening process, which would undertake potentially four separate iterations, each with its own execution price, is consistent with the Options Linkage Plan and with Section 6 of the Act, particularly Section 6(b)(5),<sup>28</sup> which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and

equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

### IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposal is inconsistent with Section 6(b)(5)<sup>29</sup> or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.<sup>30</sup>

In addition to any other facets of the proposal on which persons may seek to comment, the Commission is soliciting the views of interested persons regarding provisions of the proposed rule change concerning compliance with Section 5(a) of the Options Linkage Plan or qualification as an exception under Section 5(b)(ii) of the Options Linkage Plan.

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by April 6, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 20, 2015. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the statements of the Exchange contained in the Notice,<sup>31</sup> including the statements made with

<sup>29</sup> 15 U.S.C. 78f(b)(5).

<sup>30</sup> Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

<sup>31</sup> See Notice, *supra* note 3.

<sup>21</sup> See Notice, *supra* note 3, at 73358.

<sup>22</sup> Section 5(a) of the Options Linkage Plan.

<sup>23</sup> Section 5(b) of the Options Linkage Plan.

<sup>24</sup> Section 5(b)(ii) of the Options Linkage Plan.

<sup>25</sup> See Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (“Options Linkage Plan Approval Order”).

<sup>26</sup> See Options Linkage Plan Approval Order, *id.* at 39366.

<sup>27</sup> *Id.*

<sup>28</sup> 15 U.S.C. 78f(b)(5).

respect to compliance with the Options Linkage Plan, and any other issues raised by the proposed rule change.

Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2014-24 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2014-24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2014-24 and should be submitted by April 6, 2015. Rebuttal comments should be submitted by April 20, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>32</sup>

**Brent J. Fields,**  
*Secretary.*

[FR Doc. 2015-05861 Filed 3-13-15; 8:45 am]

**BILLING CODE 8011-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **Surrender of License of Small Business Investment Company**

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 03/73-0229 issued to Walker Investment Fund II SBIC, L.P., said license is hereby declared null and void.

Dated: February 17, 2015.

U.S. Small Business Administration.

**Javier E. Saade,**

*Associate Administrator for Investment.*

[FR Doc. 2015-05926 Filed 3-13-15; 8:45 am]

**BILLING CODE 8025-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 21, 2015**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (see 14 CFR 302. 201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2015-0033.

*Date Filed:* February 19, 2015.

*Due Date for Answers, Conforming Applications, or Motion To Modify Scope:* March 12, 2015.

#### **Description**

Joint application of Southern Air Inc. ("Southern") and Florida West International Airways, Inc. ("Florida West") requesting approval of the de facto transfer of all international

authority held by Florida West to Southern.

*Docket Number:* DOT-OST-2015-0037.

*Date Filed:* February 20, 2015.

#### **Due Date for Answers, Conforming Applications, or Motion To Modify Scope**

March 13, 2015.

#### **Description**

Application of Liberty Helicopters Inc. requesting authority to engage in scheduled operations as a commuter air carrier and proposes to operate flights between various New York City heliports, and the following destinations: NYC Metro Airports, Mohegan Sun Casino, Montauk, Southampton, and East Hampton ("Proposed Service").

**Barbara J. Hairston,**

*Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.*

[FR Doc. 2015-05893 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-9X-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2006-26367]

#### **Motor Carrier Safety Advisory Committee (MCSAC): Public Meeting**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** FMCSA announces that its MCSAC will meet on Monday and Tuesday, March 30-31, 2015. The MCSAC will meet to discuss and analyze data to support the potential benefits and feasibility of voluntary compliance and ways to credit carriers and drivers who initiate and establish programs that promote safety beyond the standards established in FMCSA regulations. The meeting will be open to the public for its entirety with a public comment period at the end of each day.

*Times and Dates:* The meeting will be held Monday—Tuesday, March 30-31, 2015, from 9 a.m. to 4:30 p.m., Eastern Daylight Time (EDT), at the Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 418-1234. Copies of the MCSAC Task Statement and an agenda for the entire meeting will be made available in advance of the meeting at <http://mcsac.fmcsa.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Policy

<sup>32</sup> 17 CFR 200.30-3(a)(57).



Advisor, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 385-2395, [mcsac@dot.gov](mailto:mcsac@dot.gov).

*Services for Individuals with Disabilities:* For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact Mr. Eran Segev at (617) 494-3174 or [eran.segev@dot.gov](mailto:eran.segev@dot.gov) by Wednesday, March 25, 2015.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

MCSAC was established to provide FMCSA with advice and recommendations on motor carrier safety programs and motor carrier safety regulations. MCSAC is composed of up to 20 voting representatives from safety advocacy, safety enforcement, labor, and industry stakeholders of motor carrier safety. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. The Committee operates as a discretionary committee under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. See FMCSA's MCSAC Web site for additional information about the committee's activities at <http://mcsac.fmcsa.dot.gov/>.

##### Voluntary Compliance Task

The truck and motorcoach industries and the DOT have invested significant resources to research, develop, and test strategies and technologies to reduce truck and bus crashes. In September 2014, the Commercial Vehicle Safety Alliance submitted a request to FMCSA to consider initiating a pilot program to investigate the benefits and feasibility of voluntary compliance. Citing research that has been underway for several years, the Agency established an Alternative Compliance initiative the goal of which is to analyze the concept and gather data to support how this concept might be developed and implemented. The Agency will request that the MCSAC, with its collective expertise on transportation safety, identify options for the motor carrier safety community to promote programs that could improve safety beyond the standards established in FMCSA regulations.

##### II. Meeting Participation

Oral comments from the public will be heard during the last half-hour of the meetings each day. Should all public

comments be exhausted prior to the end of the specified period, the comment period will close. Members of the public may submit written comments on the topics to be considered during the meeting by Wednesday, March 25, 2015, to Federal Docket Management System (FDMS) Docket Number FMCSA-2006-26367 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12-140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

Issued on: March 11, 2015.

Larry W. Minor,

*Associate Administrator for Policy.*

[FR Doc. 2015-05940 Filed 3-13-15; 8:45 am]

BILLING CODE 4910-EX-P

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 14, 2015

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 302. 201 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2015-0023.

*Date Filed:* February 9, 2015.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 2, 2015.

*Description:* Application of Lufthansa CityLine GmbH ("CityLine") requesting a foreign air carrier permit to authorize

foreign air transportation consistent with the full scope of the U.S.-EU Agreement, as amended to engage in: (i) Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond; (ii) foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) foreign scheduled and charter air transportation of cargo between any point or points in the United States and any other point or points; (iv) other charters pursuant to the prior approval requirements; and (v) transportation authorized by any additional route rights made available to European Union carriers under the U.S.-EU Air Transport Agreement in the future. CityLine also requests an exemption to the extent necessary to allow it to provide the services described above for a two-year period or until the requested permit authority becomes effective, whichever occurs first.

*Docket Number:* DOT-OST-2015-0027.

*Date Filed:* February 13, 2015.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 6, 2015.

*Description:* Application of OceanAir Linhas Aereas S.A. requesting a foreign air carrier permit and exemption authority to engage in foreign scheduled and charter air transportation of persons, property and mail from any point or points behind Brazil, via Brazil and intermediate points, to any point or points in the United States and beyond, as well as other charter flights pursuant to Part 212.

Barbara J. Hairston,

*Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.*

[FR Doc. 2015-05894 Filed 3-13-15; 8:45 am]

BILLING CODE 4910-9X-P

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 7, 2014

The following Applications for Certificates of Public Convenience and



Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 302. 201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2015-0012.

*Date Filed:* February 2, 2015.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 23, 2015.

*Description:* Application of T'way Air Co., Ltd. ("T'way Air") requesting a foreign air carrier permit and an exemption authorizing T'way Air to engage in: (1) Scheduled foreign air transportation of persons, property and mail from points behind the Republic of Korea, via the Republic of Korea and intermediate points, to a point or points in the United States and beyond; (2) charter foreign air transportation of persons, property and mail between any point or points in the Republic of Korea and any point or points in the United States, and beyond to any point or points in a third country or countries; and (3) other charter foreign air transportation.

*Docket Number:* DOT-OST-2015-0014.

*Date Filed:* February 2, 2015.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 23, 2015.

*Description:* Application of LIMA NY Corp. requesting authority to engage in scheduled passengers operations as a commuter air carrier operating daily service between the East Hampton Airport and New York Skypoints in New York City, New York.

*Docket Number:* DOT-OST-1999-6663 and DOT-OST-2011-0076.

*Date Filed:* February 2, 2015.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 23, 2015.

*Description:* Application of United Parcel Service Co. ("UPS") requesting the Department amend its certificate to include authority to operate scheduled foreign air transportation of property and mail between IAH and MTY. UPS also requests exemption authority pursuant to the Department's streamlined licensing procedures, in order to commence this service while

the Department considers its certificate amendment request.

**Barbara J. Hairston,**

*Supervisory Dockets Officer, Docket Operations, Federal Register Liaison.*

[FR Doc. 2015-05892 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Commercial Space Transportation Advisory Committee—Open Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Commercial Space Transportation Advisory Committee Open Meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, April 1, 2015, from 8:00 a.m. to 5:00 p.m. at the National Transportation Safety Board Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594. This will be the 61st meeting of the COMSTAC.

The proposed schedule for the COMSTAC working group meetings on April 1 is below:

- Operations (8:00 a.m.–9:00 a.m.)
- Business/Legal (9:00 a.m.–10:00 a.m.)
- Systems (10:00 a.m.–11:00 a.m.)
- International Space Policy (11:00 a.m.–12:00 p.m.)

The full Committee will meet on April 1, from 1:00 p.m. to 4:30 p.m. The proposed agenda for that meeting features speakers relevant to the commercial space transportation industry; and reports and recommendations from the working groups.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Larry Scott, COMSTAC Designated Federal Officer, (the Contact Person listed below) in writing (mail or email) by March 25, 2015, so that the information can be made available to COMSTAC members for their review and consideration before the April 1 meeting. Written

statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy via email.

A portion of the April 1 meeting will be unavailable to the public (starting at approximately 4:30 p.m.).

An agenda will be posted on the FAA Web site at [www.faa.gov/go/ast](http://www.faa.gov/go/ast). For specific information concerning the times and locations of the COMSTAC working group meetings, contact the Contact Person listed below.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Persons listed below in advance of the meeting.

#### FOR FURTHER INFORMATION CONTACT:

Larry Scott, telephone (202) 267-7982; email [larry.scott@faa.gov](mailto:larry.scott@faa.gov), FAA Office of Commercial Space Transportation (AST-3), 800 Independence Avenue SW., Room 331, Washington, DC 20591.

Complete information regarding COMSTAC is available on the FAA Web site at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/ast/advisory\\_committee/](http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/).

Issued in Washington, DC, February 25, 2015.

**George C. Nield,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 2015-05829 Filed 3-13-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Vehicle Theft Prevention Standard; Volkswagen Group of America, Inc.

**AGENCY:** National Highway Traffic Safety Administration, Department of Transportation.

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the Volkswagen Group of America, Inc.'s (Volkswagen's) petition for exemption of the Audi TT vehicle line in accordance with 49 CFR part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

**DATES:** The exemption granted by this notice is effective beginning with the 2016 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43-443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366-4139. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated January 9, 2015, Volkswagen requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Audi TT vehicle line beginning with MY 2016. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Volkswagen provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Audi TT vehicle line. Volkswagen stated that the MY 2016 Audi TT will be installed with its fifth generation, transponder-based electronic engine immobilizer antitheft device as standard equipment on the entire vehicle line. Volkswagen stated that its immobilizer device is aimed to actively incorporate the engine control unit and the automatic gearbox into the evaluation and monitoring processes. Key components of the antitheft device will include an engine control unit, instrument cluster, gateway, automatic gearbox, and an adapted transponder ignition key (key fob). Volkswagen stated that keyless entry and locking control will be available as standard equipment on the entire Audi TT vehicle line. Volkswagen stated that the keyless entry and locking control uses a transponder key that allows the doors to be locked by touching a button on the outside door handle of the vehicle, or to be opened by touching the outside door handle when the key fob is near the door. Volkswagen also stated that its antitheft device will include an audible and visible alarm system as standard equipment on the entire line. Volkswagen's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

Volkswagen stated that the immobilizer device is activated automatically after the engine is switched off. Deactivation of the immobilizer device occurs when the ignition is turned on or the key fob is recognized by the immobilizer control unit. Specifically, when turning on the ignition on/off switch, the key transponder sends a fixed code to the immobilizer control unit. If this is identified as the correct code, a variable code is generated in the immobilizer control unit and sent to the transponder. A secret arithmetic process is then started according to a set of specific equations. The results of the computing process are evaluated in the control unit and, if verified, the vehicle key is acknowledged as correct. The engine control unit and the automatic gearbox then sends a variable code to the immobilizer control unit for mutual identification. If all the data matches, start-up of the vehicle is enabled. Volkswagen stated that a new variable code is generated every time the immobilizer goes through the secret computing process. Therefore, Volkswagen stated that it believes the code is undecipherable.

Activation of the audible and visible alarm system occurs when the "lock" button on the key fob is pressed, the driver's door is locked, or when the vehicle is locked by using the keyless entry and locking control. When the system is activated, the horn will sound and the vehicle's exterior lights will flash when unauthorized entry is attempted by opening the hood, doors, or luggage compartment. Volkswagen also stated that deactivation of the audible and visible alarm system is performed by unlocking the vehicle doors with the key fob, using the mechanical key in the driver's door lock cylinder, or opening the vehicle using the keyless entry and locking control.

In addressing the specific content requirements of 543.6, Volkswagen provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Volkswagen stated that the antitheft device has been tested for compliance to its corporate requirements, including those for electrical and electronic assemblies in motor vehicles related to performance.

In support of its belief that its antitheft device will be as or more effective in reducing and deterring vehicle theft than the parts-marking requirement, Volkswagen referenced the effectiveness of immobilizer devices installed on other vehicles for which NHTSA has granted exemptions. Specifically, Volkswagen referenced

information from the Highway Loss Data Institute that showed that BMW vehicles experienced theft loss reductions resulting in a 73% decrease in relative claim frequency and a 78% lower average loss payment per claim for vehicles equipped with an immobilizer. Additionally, Volkswagen stated that the proposed device is similar to the antitheft device installed on its Audi A3, A4, and Q3 vehicle lines. The agency granted in full the petition for the Audi A3 vehicle line beginning with model year 2010, (see 74 FR 10984, March 13, 2009), the Audi A4 vehicle line (see 71 FR 4966, January 30, 2006), and the Audi Q3 vehicle line beginning with model year 2015 (see 78 FR 50489, August 19, 2013). The agency notes that the average theft rate for the Audi A3 and A4 vehicle lines using three MYs' data (MYs 2010 through 2012) are 1.1974 and 0.6096 respectively. Current theft rate data is not available for the Audi Q3 vehicle line. Volkswagen also submitted information showing that the theft rates published by NHTSA indicated that the Audi TT had very low theft rates for MYs 2010 through 2012. Specifically, theft rates for the Audi TT vehicle line for MYs 2010 through 2012 are 0.8326, 0.000, and 0.000 respectively.

The agency agrees that the device is substantially similar to devices installed on other vehicle lines for which the agency has already granted exemptions.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Volkswagen has provided adequate reasons for its belief that the antitheft device for the Audi TT vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Volkswagen provided about its antitheft device.

Based on the evidence submitted by Volkswagen, the agency believes that the antitheft device for the Audi TT vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide four of the five types of

performance listed in § 543.6(a)(3): Promoting activation, preventing defeat or circumvention of the device by unauthorized persons, preventing operation of the vehicle by unauthorized entrants, and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Volkswagen's petition for exemption for the Volkswagen Audi TT vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing—including the release of future product nameplates, the beginning model year for which the petition is granted, and a general description of the antitheft device—is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

NHTSA notes that if Volkswagen wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR part 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2015–05831 Filed 3–13–15; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Imposition of Sanctions Pursuant to Executive Order 13687 on January 2, 2015

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 10 individuals and three entities whose property and interests in property are blocked pursuant to Executive Order 13687 of January 2, 2015, "Imposing Additional Sanctions With Respect To North Korea."

**DATES:** OFAC's actions described in this notice were effective January 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site ([www.treas.gov/ofac](http://www.treas.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

##### Notice of OFAC Actions

On January 2, 2015, OFAC blocked the property and interests in property of the following 10 individuals and three entities pursuant to E.O. 13687, "Imposing Additional Sanctions With Respect To North Korea":

##### Individuals

1. JANG, Song Chol; DOB 12 Mar 1967; nationality Korea, North; KOMID representative in Russia (individual) [DPRK2].
2. JANG, Yong Son; DOB 20 Feb 1957; nationality Korea, North; KOMID Representative in Iran (individual) [DPRK2].
3. KANG, Ryong; DOB 21 Aug 1968; nationality Korea, North; KOMID official in Syria (individual) [DPRK2].
4. KIL, Jong Hun; DOB 20 Feb 1972; nationality Korea, North; Passport

472410022; KOMID Representative in Namibia (individual) [DPRK2].

5. KIM, Kwang Chun; DOB 20 Apr 1967; Korea Ryungseng Trading Corporation Representative in Shenyang, China (individual) [DPRK2].
6. KIM, Kwang Yon; DOB 30 Jul 1966; nationality Korea, North; Passport 563210059 (individual) [DPRK2].
7. KIM, Kyu; DOB 30 Jul 1968; nationality Korea, North; KOMID External Affairs Officer (individual) [DPRK2].
8. KIM, Yong Chol; DOB 18 Feb 1962; nationality Korea, North; KOMID Representative in Iran (individual) [DPRK2].
9. RYU, Jin; DOB 07 Aug 1965; nationality Korea, North; Passport 563410081; KOMID official in Syria (individual) [DPRK2].
10. YU, Kwang Ho; DOB 18 Oct 1956; nationality Korea, North (individual) [DPRK2].

##### Entities

1. RECONNAISSANCE GENERAL BUREAU (a.k.a. CHONGCH'AL CH'ONGGUK; a.k.a. KPA UNIT 586; a.k.a. "RGB"), Hyongjesan-Guyok, Pyongyang, Korea, North; Nungrado, Pyongyang, Korea, North [DPRK]. -to- RECONNAISSANCE GENERAL BUREAU (a.k.a. CHONGCH'AL CH'ONGGUK; a.k.a. KPA UNIT 586; a.k.a. "RGB"), Hyongjesan-Guyok, Pyongyang, Korea, North; Nungrado, Pyongyang, Korea, North [DPRK].
2. KOREA MINING DEVELOPMENT TRADING CORPORATION (a.k.a. CHANGGWANG SINYONG CORPORATION; a.k.a. EXTERNAL TECHNOLOGY GENERAL CORPORATION; a.k.a. KOREA KUMRYONG TRADING COMPANY; a.k.a. NORTH KOREAN MINING DEVELOPMENT TRADING CORPORATION; a.k.a. "KOMID"), Central District, Pyongyang, Korea, North [NPWMD]. -to- KOREA MINING DEVELOPMENT TRADING CORPORATION (a.k.a. CHANGGWANG SINYONG CORPORATION; a.k.a. DPRKN MINING DEVELOPMENT TRADING COOPERATION; a.k.a. EXTERNAL TECHNOLOGY GENERAL CORPORATION; a.k.a. KOREA KUMRYONG TRADING COMPANY; a.k.a. KOREAN MINING AND INDUSTRIAL DEVELOPMENT CORPORATION; a.k.a. NORTH KOREAN MINING DEVELOPMENT TRADING CORPORATION; a.k.a. "KOMID"),

- Central District, Pyongyang, Korea, North; Beijing, China; Moscow, Russia; Tehran, Iran; Damascus, Syria [NPWMD] [DPRK2].
3. KOREA TANGUN TRADING CORPORATION, Pyongyang, Korea, North [NPWMD]. -to- KOREA TANGUN TRADING CORPORATION (a.k.a. RYUNG SENG TRADING CORPORATION; a.k.a. RYUNGSENG TRADING CORPORATION; a.k.a. RYUNGSONG TRADING CORPORATION), Pyongyang, Korea, North [NPWMD] [DPRK2].

Dated: February 19, 2015.

**John Smith,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2015-05398 Filed 3-13-15; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 11, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before April 15, 2015 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927-5331, email at [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire information collection request may be found at [www.reginfo.gov](http://www.reginfo.gov).

### Internal Revenue Service (IRS)

*OMB Number:* 1545-0939.

*Type of Review:* Reinstatement without change of a previously approved collection.

*Title:* Interest Charge on DISC-Related Deferred Tax Liability.

*Form:* 8404.

**Abstract:** Shareholders of Interest Charge Domestic International Sales Corporations (IC-DISCs) use Form 8404 to figure and report an interest charge on their DISC-related deferred tax liability. The interest charge is required by Internal Revenue Code section 995(f) and the IRS uses Form 8404 to determine whether the shareholder has correctly figured and paid the interest charge on a timely basis.

**Affected Public:** Private Sector: Businesses or other for-profits.

**Estimated Annual Burden Hours:** 15,580.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2015-05904 Filed 3-13-15; 8:45 am]

**BILLING CODE 4810-35-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Additional Identifying Information Associated With Persons Whose Property and Interests in Property Are Blocked Pursuant to the Executive Order of March 9, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela"

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing additional identifying information associated with the seven individuals listed in the Annex to the Executive Order of March 9, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela," whose property and interests in property have been blocked.

#### FOR FURTHER INFORMATION CONTACT:

Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., (Treasury Annex), Washington, DC 20220. Tel: (202) 622-2490.

**SUPPLEMENTARY INFORMATION:** This document and additional information concerning OFAC are available on OFAC's Web site ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

## Background

On March 9, 2015, the President issued Executive Order, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela" ("the Order"), pursuant to, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-06). The Order was effective at 12:01 a.m. eastern daylight time on March 9, 2015.

The Annex to the Order lists seven individuals whose property and interests in property are blocked pursuant to the Order. OFAC is publishing additional identifying information associated with those individuals.

The listings for these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

1. BENAVIDES TORRES, Antonio Jose (Latin: BENAVIDES TORRES, Antonio José); DOB 13 Jun 1961; POB Venezuela; citizen Venezuela; Gender Male; Cedula No. 6.371.374 (Venezuela); Passport 026719333 (Venezuela) expires 24 Aug 2014; Major General, Commander of the Strategic Region for the Integral Defense (REDI) of the Central Region, Venezuela's Bolivarian National Armed Forces (FANB); former Division General, Director of Operations, Venezuela's Bolivarian National Guard (GNB) (individual) [VENEZUELA].

2. BERNAL MARTINEZ, Manuel Gregorio (Latin: BERNAL MARTÍNEZ, Manuel Gregorio); DOB 12 Jul 1965; POB Caracas, Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 6.976.131 (Venezuela); Passport 0502004 (Venezuela) expires 19 Feb 2014; Brigadier General, Chief of the 31st Armored Brigade of Caracas of Venezuela's Bolivarian Army; former Director General of Venezuela's Bolivarian National Intelligence Service (SEBIN) (individual) [VENEZUELA].

3. GONZALEZ LOPEZ, Gustavo Enrique (Latin: GONZÁLEZ LÓPEZ, Gustavo Enrique); DOB 02 Nov 1960; POB Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 5.726.284 (Venezuela); Passport B0111931 (Venezuela); Director General of Venezuela's Bolivarian National Intelligence Service (SEBIN); Major General, President of Venezuela's Strategic Center of Security and Protection of the Homeland (CESPPA) (individual) [VENEZUELA].

4. HARRINGTON PADRON, Katherine Nayarith; DOB 05 Dec 1971; POB Caracas, Venezuela; citizen Venezuela; Gender Female; Cedula No. 10.548.414 (Venezuela); Passport 042677664 (Venezuela) expires 25 Feb

2016; National Level Prosecutor, 20th District, Venezuela's Public Ministry (individual) [VENEZUELA].

5. NOGUERA PIETRI, Justo Jose (Latin: NOGUERA PIETRI, Justo José); DOB 15 Mar 1961; POB Piritu, Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No. 5.944.426 (Venezuela); Passport B0942407 (Venezuela) expires 18 Dec 2006; alt. Passport 018295955 (Venezuela); President of the Venezuelan Corporation of Guayana (CVG); former Major General, General Commander of Venezuela's Bolivarian

National Guard (GNB) (individual) [VENEZUELA].

6. PEREZ URDANETA, Manuel Eduardo (Latin: PÉREZ URDANETA, Manuel Eduardo); DOB 26 May 1962; POB Venezuela; citizen Venezuela; Gender Male; Cedula No. 6.357.038 (Venezuela); Passport 001234503 (Venezuela) expires 03 Jul 2012; Director of Venezuela's Bolivarian National Police (individual) [VENEZUELA].

7. VIVAS LANDINO, Miguel Alcides; DOB 08 Jul 1961; POB Venezuela; nationality Venezuela; citizen Venezuela; Gender Male; Cedula No.

7.617.778 (Venezuela); Passport B0097656 (Venezuela); Major General, Inspector General of Venezuela's Bolivarian National Armed Forces (FANB); former Commander of the Strategic Region for the Integral Defense (REDI) of the Andes Region, Venezuela's Bolivarian National Armed Forces (FANB) (individual) [VENEZUELA].

Dated: March 9, 2015.

**John E. Smith,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2015-05928 Filed 3-13-15; 8:45 am]

**BILLING CODE 4810-AL-P**



# FEDERAL REGISTER

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## Part II

### Environmental Protection Agency

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40 CFR Part 60

Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces; Final Rule

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60****[EPA-HQ-OAR-2009-0734; FRL-9920-50-OAR]****RIN 2060-AP93****Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to revise the Standards of Performance for New Residential Wood Heaters and to add a new subpart: Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces. Today's rule is authorized by section 111(b) and section 114 of the Clean Air Act (CAA). The EPA is not finalizing, at this time, the proposed Standards of Performance for New Residential Masonry Heaters in order to allow additional time for the Masonry Heater Association to finish their efforts to develop revised test methods, an emissions calculation program and an alternative dimensioning standard. This final rule achieves several objectives for new residential wood heaters, including applying updated emission limits that reflect the current best systems of emission reduction; eliminating exemptions over a broad suite of residential wood combustion devices; strengthening test methods as appropriate; and streamlining the certification process. Residential wood smoke emissions are a significant national air pollution problem and human health issue. These emissions occur in many neighborhoods across the country, including minority and low-income neighborhoods, and impact people in their homes. To the extent that children and other sensitive populations are particularly susceptible to asthma, and that minority populations and low-income populations are more vulnerable, this rule will significantly reduce the pollutants that adversely affect their health. On an economic basis, the public benefits of this rule vastly outweigh the costs, with every dollar in additional cost producing more than \$100 in public benefit. This final action does not include any requirements for heaters solely fired by gas, oil or coal. In addition, it does not include any new requirements associated with appliances

that are already in use. The EPA continues to strongly encourage state, local, tribal, industry and consumer efforts to change out (replace) older heaters with newer, cleaner, more efficient heaters. Additional information is on the EPA Burn Wise Web site at [www.epa.gov/burnwise](http://www.epa.gov/burnwise). Also, we encourage state, local, and tribal authorities to develop site-specific installation and operating requirements to help ensure healthy air for all.

**DATES:** This final action is effective on May 15, 2015. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of May 15, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA-HQ-OAR-2009-0734. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available (e.g., confidential business information or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the EPA Docket Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

**FOR FURTHER INFORMATION CONTACT:** For questions about this final rule for new residential wood heaters, hydronic heaters, and forced-air furnaces, contact Ms. Amanda Aldridge, Office of Air Quality Planning and Standards, Outreach and Information Division (C304-05), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5268; fax number (919) 541-2664; email address: [aldridge.amanda@epa.gov](mailto:aldridge.amanda@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Acronyms and Abbreviations.* The following acronyms and abbreviations are used in this document:

µg/m<sup>3</sup> Micrograms per cubic meter  
 ASTM American Society for Testing and Materials (now ASTM International)  
 BSER Best System of Emissions Reduction  
 BTU British Thermal Unit  
 CAA Clean Air Act  
 CBI Confidential Business Information

CDX Central Data Exchange  
 CEDRI Compliance and Emissions Data Reporting Interface  
 CFR Code of Federal Regulations  
 CO Carbon Monoxide  
 CO<sub>2</sub> Carbon Dioxide  
 CSA Canadian Standards Association  
 EPA U.S. Environmental Protection Agency  
 ERT Electronic Reporting Tool  
 EJ Environmental Justice  
 FR Federal Register  
 g/hr Grams per hour  
 HAP Hazardous Air Pollutant(s)  
 HPBA Hearth, Patio and Barbecue Association  
 IBR Incorporation by Reference  
 ICR Information Collection Request  
 ISO International Organization for Standardization  
 lb Pound(s)  
 lb/hr Pound(s) per hour  
 lb/mmBtu Pound(s) per million British Thermal Units  
 NAAQS National Ambient Air Quality Standards  
 NAICS North American Industry Classification System  
 NESCAUM Northeast States for Coordinated Air Use Management  
 NESHAP National Emission Standards for Hazardous Air Pollutants  
 NO<sub>x</sub> Nitrogen Oxides  
 NSPS New Source Performance Standards  
 NTTAA National Technology Transfer and Advancement Act of 1995  
 NYSERDA New York State Energy Research and Development Authority  
 OAQPS Office of Air Quality Planning and Standards (U.S. EPA)  
 OECA Office of Enforcement and Compliance Assurance (U.S. EPA)  
 OMB Office of Management and Budget  
 PAH Polycyclic Aromatic Hydrocarbon  
 PFI Pellet Fuels Institute  
 POM Polycyclic Organic Matter  
 PM Particulate Matter  
 PM<sub>2.5</sub> Particulate Matter with an aerodynamic diameter of 2.5 micrometers or less ("fine particles")  
 ppm Parts per million  
 R&D Research and Development  
 RIA Regulatory Impact Analysis  
 RTC Response to Comments  
 U.S. United States  
 U.S.C. United States Code  
 UMRA Unfunded Mandates Reform Act  
 vs. Versus  
 VCS Voluntary Consensus Standard(s)  
 VOC Volatile Organic Compound  
 yr Year(s)

*Response to Comments (RTC) Document.* On February 3, 2014 (79 FR 6330), the EPA proposed revisions to the Standards of Performance for New Residential Wood Heaters based on the EPA's review of these standards. On July 1, 2014 (79 FR 37259), the EPA published a Notice of Data Availability (NODA) that solicited comment on additional information regarding residential wood heater testing using cord wood and emissions by burn rate excerpted from EPA certification test reports. In this action, we are finalizing

revisions to the rule, as well as Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces. A document summarizing the public comments on the proposal and the NODA and the EPA responses to the significant comments is available in Docket ID Number EPA-HQ-OAR-2009-0734. A summary of responses to the major comments is in section V.

*Organization of this Document.* The following outline is provided to aid in locating information in this preamble.

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- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act and 1 CFR Part 51
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act

## I. General Information

### A. Executive Summary

The purpose of this action is to finalize amendments to the Standards of Performance for New Residential Wood Heaters (40 CFR part 60, subpart AAA) and to add one new subpart: Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR part 60, subpart QQQQ). This final action was developed following a CAA section 111(b)(1)(B) review of the 1988 promulgated subpart AAA (53 FR 5860, February 26, 1988), *i.e.*, the 1988 New Source Performance Standards (NSPS). Section 111 requires the EPA to establish standards based on best systems of emission reduction (BSER). Section 111(b) requires emission standards for affected sources and section 111(h)(2)(B) allows the EPA to establish work practices and operational standards or combinations of standards in certain cases, such as when testing is impractical due to technological or economic limitations. The current body of evidence strongly supports revision of the 1988 NSPS to capture the technology improvements and enhanced performance of such units since 1988 and to expand the applicability of these standards to include additional wood-burning residential heating devices that are available today. Section 111 requires the EPA to consider costs and economic impacts. The potential impact on this industry that is comprised of over 90 percent small businesses was a concern to the EPA, and we have minimized these potential impacts to the degree possible while still achieving significant emission reductions. For example, we have incorporated stepped (phased) emission limits and streamlined certification procedures to ease the transition. The health benefits associated with these regulations are substantially greater than the cost to manufacture cleaner, lower-emitting appliances. In fact, the public health

benefits of this rule outweigh the costs by more than 100 times.

As discussed in the preamble to the February 3, 2014, proposed rule, particulate pollution from wood heaters is a significant national air pollution problem and human health issue. Residential wood smoke contains fine particles with an aerodynamic diameter of 2.5 micrometers or less (PM<sub>2.5</sub>), carbon monoxide (CO), volatile organic compounds (VOC), toxic air pollutants (*e.g.*, benzene and formaldehyde), and climate-forcing emissions (*e.g.*, methane and black carbon). Residential wood smoke can contribute to unhealthy levels of PM<sub>2.5</sub> in many neighborhoods nationwide, including in minority and low-income neighborhoods, and impact people in their homes. To the extent that children and other sensitive populations are particularly susceptible to asthma, and that minority populations and low-income populations are more vulnerable to the effects of air pollution, this rule will significantly reduce the pollutants that adversely affect their health.

Populations that are at greater risk for experiencing health effects related to fine particle exposures include older adults, children and individuals with pre-existing heart or lung disease. Each year, smoke from wood heaters produces hundreds of thousands of tons of fine particles throughout the country—mostly during the winter months. Nationally, residential wood combustion accounts for 44 percent of total stationary and mobile polycyclic organic matter (POM) emissions, which account for nearly 25 percent of all area source air toxics cancer risks and 15 percent of noncancer respiratory effects.<sup>1</sup> Residential wood smoke causes many counties in the U.S. to either exceed the EPA's health-based national ambient air quality standards (NAAQS) for fine particles or places them on the cusp of exceeding those standards.<sup>2</sup> To the degree that older, higher emitting, less efficient wood heaters are replaced by newer heaters that meet the requirements of this rule, these requirements for cleaner new stoves will result in substantial reductions in emissions, and thus in exposure, producing reduced health impacts. A summary of the estimated health

<sup>1</sup> *Strategies for Reducing Residential Wood Smoke*. EPA-456/B-13-001, March 2013. Prepared by Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. pp. 4–5.

<sup>2</sup> Air Quality and Emissions Data; Supporting Information for the Residential Wood Heater New Source Performance Standard, August 14, 2013.



benefits is shown in Table 1 below. More details are in the final Regulatory Impact Analysis (RIA) in the docket for this rule.

Consistent with Executive Order 13563, "Improving Regulation and Regulatory Review," we have estimated the cost and benefits of the final rule. The estimated annual net benefits at a 3-percent discount rate are \$3.4 billion to \$7.6 billion, and \$3.1 billion to \$6.9 billion at a 7-percent discount rate in 2013 dollars. The net benefits estimate reflects 8,269 tons of PM<sub>2.5</sub> emission reductions per year, and a total

annualized cost of \$45.7 million, producing an unusually large net benefit for this rule of more than 100 times the costs, and even greater net benefits coming from the new rule applied to single burn rate stoves. We estimate that this rule will result in 360 (Krewski, *et al.*, 2009) or 810 (Lepeule, *et al.*, 2012) avoided premature deaths per year. The non-monetized benefits include 46,000 tons of CO reductions per year; 9,300 tons of VOC reductions per year; reduced exposure to hazardous air pollutants (HAP), including

formaldehyde, benzene, and polycyclic organic matter (POM); reduced climate effects due to reduced black carbon emissions and reduced greenhouse gases emissions; reduced ecosystem effects; and reduced visibility impairments. Table 1 is a summary of the results of the analysis per type of residential wood heater. We have provided estimates reflecting average annual impacts for the 2015 to 2020 timeframe, which are the implementation years analyzed in the RIA for this final rule.

**TABLE 1—SUMMARY OF COMPLIANCE COSTS, MONETIZED BENEFITS, AND MONETIZED NET BENEFITS (2013 DOLLARS) BY TYPE OF HEATER IN THE 2015–2020 TIME FRAME FOR THE FINAL RULE**

Type of heater	Total annualized costs (\$ millions)	Monetized benefits (\$ millions) <sup>a b</sup>	Monetized net benefits (\$ millions)
Wood stoves .....	\$3.02	\$14 to \$31	\$11 to \$28
Single burn rate stoves .....	0.87	280 to 630	280 to 630
Pellet stoves .....	1.52	2 to 5	0 to 3
Forced-air furnaces .....	15.36	1,700 to 3,700	1,700 to 3,700
Hydronic heating systems .....	24.88	1,400 to 3,200	1,400 to 3,200

<sup>a</sup> All estimates are for the time frame from 2015 to 2020 inclusive. These results include units anticipated to come online and the lowest cost disposal assumption. Total annualized costs shown in this table are estimated at a 7-percent interest rate to be consistent with guidance from the Office of Management and Budget (OMB). Total annualized costs are also estimated at a 3 percent interest rate for each source category to be consistent with OMB guidance, and these costs are about 13 percent less than the total annualized costs presented in this table. These costs are presented in the RIA and in the cost memoranda for this final rule. The monetized net benefits with total annualized costs at a 3 percent interest rate are minimally different than those calculated with total annualized costs at a 7 percent interest rate.

<sup>b</sup> Total monetized benefits are estimated at a 3-percent discount rate. The total monetized benefits reflect the human health benefits associated with reducing exposure to PM<sub>2.5</sub> through reductions of directly emitted PM<sub>2.5</sub>. It is important to note that the monetized benefits include many but not all health effects associated with PM<sub>2.5</sub> exposure. Benefits are shown as a range from Krewski *et al.* (2009) to Lepeule *et al.* (2012). These models assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality because the scientific evidence is not yet sufficient to allow differentiation of effect estimates by particle type. Because these estimates were generated using benefit-per-ton estimates, we do not break down the total monetized benefits into specific components.

#### *B. Does this action apply to me?*

Table 2 of this preamble lists categories and entities that will be regulated by this action. Table 2 is not intended to be exhaustive, but rather

provides a guide for readers regarding entities likely to be affected by this final action. These standards, and any changes considered in this rulemaking, are directly applicable to sources as a federal program. Other federal, state,

local and tribal government entities are not directly affected by this final action. States may decide to request partial delegation of enforcement of some parts of this rule, *e.g.*, ensuring permanent labels are on new heaters in retail stores.

**TABLE 2—REGULATED ENTITIES**

Category	NAICS <sup>a</sup> code	Examples of regulated entities
Residential Wood Heating .....	333414—Heating Equipment (except Warm Air Furnaces) Manufacturing. 333415—Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.	Manufacturers, owners and operators of wood heaters, pellet heaters/stoves and hydronic heaters. Manufacturers, owners and operators of forced-air furnaces.
Testing Laboratories .....	541380—Testing Laboratories (except Medical, Veterinary).	Testers of wood heaters, pellet heaters/stoves and hydronic heaters.

<sup>a</sup> North American Industry Classification System

#### *C. Where can I get a copy of this document?*

In addition to being available in the docket, an electronic copy of this final rule, is posted at the following address: <http://www2.epa.gov/residential-wood-heaters>.

#### *D. Judicial Review*

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of these final rules is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by May 15, 2015. Under section 307(b)(2) of the CAA, the

requirements established by these final rules may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements. Section 307(d)(7)(B) of the CAA further provides that "[o]nly an objection to a rule or procedure which was raised with reasonable specificity

during the period for public comment (including any public hearing) may be raised during judicial review.” This section also provides a mechanism for us to convene a proceeding for reconsideration, “[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.” Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, 1200 Pennsylvania Ave. NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

## II. Background Information for This Final Rule

### A. What is the NSPS program?

Under section 111 of the CAA, “Standards of Performance for New Stationary Sources,” the EPA lists categories of sources that, in the EPA’s judgment, cause or contribute significantly to air pollution, which may reasonably be anticipated to endanger public health or welfare pursuant to section 111(b)(1)(A). Section 111(b)(1)(B) requires the EPA to promulgate federal standards of performance for new sources within those categories. At the time the EPA establishes standards for a source category, the EPA prepares an analysis of the potential costs and benefits associated with the NSPS, which also includes the benefits from reductions in pollutants for which the standards do not set limits. For example, emission reductions associated with the requirements of this final rule will generate health benefits by reducing emissions of PM<sub>2.5</sub>, other criteria pollutants, such as CO, and non-criteria HAP. In addition, section 111(h) authorizes the EPA to promulgate design, equipment, work practice, operational, or combinations of standards to reflect the best systems of continuous emission reduction. The NSPS established under section 111(b)(1)(B) do not establish standards of performance for existing sources. However, numerous states have acted

independently of this rule to address new and existing sources as part of state implementation plan (SIP) measures necessary to ensure attainment and maintenance of the NAAQS.

The level of control prescribed by section 111 of the CAA is BSER. In analyzing BSER, the EPA uses available information and considers the emissions reductions and incremental costs for different systems available at reasonable cost. The residential wood heaters source category is different from most NSPS source categories in that it is for mass-produced residential consumer products. Thus, important elements in determining BSER include the significant costs and environmental impacts of delaying production while models with those systems are designed, tested, field evaluated and certified. Section 111(b)(1)(B) of the CAA requires that the standards be effective upon the effective date of the NSPS. As noted earlier and discussed more fully later in this preamble, the stepped (phased) approach for residential wood stoves/heaters, hydronic heaters and forced-air furnaces that the EPA is promulgating considers these factors. That is, for this rulemaking, the EPA has determined the appropriate emission limits and compliance deadlines that together are representative of BSER.

Section 111(b)(1)(B) of the CAA requires the EPA to periodically (every 8 years) review an NSPS unless it determines “that such review is not appropriate in light of readily available information on the efficacy of such standard.” In making revisions to an NSPS, the EPA will revise the standards of performance to reflect improvements in methods for reducing emissions, including consideration of what emissions limitation is achieved in practice. Numerous stakeholders have stated that the current body of evidence strongly justifies the revision of the current residential wood heaters NSPS to capture the improvements in performance of such units since 1988 and to expand the applicability of this NSPS to include additional residential wood-burning heating devices that are available today. Some stakeholders have suggested that the EPA also develop additional NSPS to regulate residential heating devices that burn fuels other than or in addition to wood, e.g., coal, corn or grass. This final rule does not include any new federal requirements for heaters that solely burn fuels other than wood. However, the EPA may consider the need for such requirements during the next review.

### B. Why is residential wood smoke a concern?

There is widespread recognition of the health impacts of particle pollution, to which wood smoke is a contributing factor in many areas. Wood smoke contains a mixture of fine particles and toxic air pollutants (e.g., benzene and formaldehyde) that can cause burning eyes, runny nose, and bronchitis. Exposure to fine particles has been associated with a range of health effects, including aggravation of heart or respiratory problems, changes in lung function and increased respiratory symptoms, as well as premature death. Populations that are at greater risk for experiencing health effects related to fine particle exposures include older adults, children and individuals with pre-existing heart or lung disease. Each year smoke from wood heaters contributes hundreds of thousands of tons of fine particles throughout the country—mostly during the winter months. Nationally, residential wood combustion accounts for 44 percent of total stationary and mobile polycyclic organic matter (POM) emissions, which accounts for nearly 25 percent of all area source air toxics cancer risks and 15 percent of noncancer respiratory effects.<sup>3</sup> Residential wood smoke causes many counties in the U.S. to either exceed the EPA’s health-based NAAQS for fine particles or places them on the cusp of exceeding those standards. For example, in places such as Keene, New Hampshire; Sacramento, California; Tacoma, Washington; and Fairbanks, Alaska; wood combustion can contribute over 50 percent of daily wintertime fine particle emissions.<sup>4</sup> The concerns are heightened because wood stoves, hydronic heaters, and other heaters are often used around the clock in many residential areas. To the degree that older, dirtier, less efficient wood heaters are replaced by newer heaters that meet or exceed the requirements of this rule, the emissions would be reduced, and thus exposure as well, and fewer health impacts should occur. The health and air quality concerns associated with particle pollution and the effects of wood smoke are discussed in detail in the original listing of residential wood heaters under section 111(b) in the February 18, 1987, **Federal**

<sup>3</sup> *Strategies for Reducing Residential Wood Smoke*. EPA-456/B-13-001, March 2013. Prepared by Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. pp. 4–5.

<sup>4</sup> Air Quality and Emissions Data; Supporting Information for the Residential Wood Heater New Source Performance Standard, August 14, 2013.

**Register**, the original subpart AAA proposal in the February 18, 1987, **Federal Register**, the original subpart AAA promulgation in the February 26, 1988, **Federal Register**, the February 3, 2014 proposal of revisions to subpart AAA and the addition of subpart QQQQ and numerous other documents in the docket.

As discussed in the preamble to the February 3, 2014, proposed rule, and, in the Executive Summary (section I.A) of this preamble, particulate pollution from wood heaters is a significant national air pollution problem and human health issue. To the degree that older, higher emitting, less efficient wood heaters are replaced by newer heaters that meet the requirements of this rule, setting these requirements for cleaner new stoves will result in substantial reductions in exposure and reduced health impacts.

### III. Summary of the Final Rule

#### A. General

In response to the results of the review of the 1988 NSPS and in response to comments on the proposed rule and the NODA, the EPA is amending 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, and adding a new subpart QQQQ, Standards of Performance for New Hydronic Heaters and Forced-Air Furnaces. Subpart AAA applies to room heaters. This final rule broadens the applicability of wood heaters subject to the 1988 NSPS beyond adjustable burn rate wood heaters (the focus of the 1988 regulation) to specifically include all single burn rate wood heaters/stoves/appliances and pellet heaters/stoves/appliances and all other residential wood heaters except those specifically exempt in the rule, *e.g.*, hydronic heaters and forced air furnaces regulated by subpart QQQQ. (Some pellet heaters/stoves/appliances were not affected by the 1988 regulation.) This preamble uses the following terms interchangeably for appliances subject to subpart AAA: wood heaters, stoves and heaters/stoves/appliances. Subpart QQQQ applies to two specific types of wood heaters: hydronic heaters and forced-air furnaces plus any other wood-burning affected appliance that meets the definition of central heater. This preamble uses the terms forced-air furnaces and warm-air furnaces interchangeably for such heaters/furnaces/appliances affected by subpart QQQQ. Wood heaters, hydronic heaters and forced-air furnaces manufactured after the effective date of this final rule will be required to meet PM emission limits.

This final rule does not include any federal emission limitations that would apply to heaters fueled solely by gas, oil or coal. In addition, this final rule does not include any new federal requirements associated with wood heaters or other wood-burning appliances that are already in use in people's homes. The EPA continues to encourage state, local, tribal, manufacturer, retailer and consumer efforts to change out (replace) older heaters with newer, cleaner, more efficient heaters. Also, we continue to encourage state, local, and tribal authorities to develop site-specific installation and operating requirements and oversight to help ensure healthy air for all.

For this final action, the effective date is May 15, 2015 to allow for Congressional Review under the Congressional Review Act (CRA). Under the CRA, 5 U.S.C. 801(a)(3), the effective dates of all "major" rules are delayed for 60 calendar days after they are submitted to Congress or after they are published in the **Federal Register**, whichever date is later. This final action is a "major" rule within the meaning of the CRA.

Section IV summarizes the changes to the proposed rule reflected in the final rule, and section V provides a summary of the major comments received and our responses.

#### 1. Certification Testing and Compliance

As with the 1988 NSPS, because of concern regarding potential negative impacts on small businesses and potential certification delays, this revised subpart AAA for wood heaters/stoves and new subpart QQQQ for hydronic heaters and forced-air furnaces require manufacturers to participate in a certification program that tests a representative heater per model line rather than testing every heater. If the representative heater meets the applicable emission limits contained in this rule, the entire model line may be certified. Individual heaters within the model line are still subject to all other requirements, including labeling and operational requirements. Manufacturers are required to have quality assurance programs to ensure that all heaters within the model line conform to the certified design and meet the applicable emission limits. The EPA will continue to have the authority to conduct audits to ensure compliance.

Additional requirements apply to entities other than the manufacturer. Wholesalers and retailers are also subject to the limits on sales of non-certified affected heaters. Wood heater test laboratories and certifying entities

are subject to quality assurance and reporting requirements. This final rule for subpart AAA and subpart QQQQ requires the proper burn practices that have applied to the owner or operator of a wood heating appliance regulated under subpart AAA since 1988. In addition, new pellet heater/stove owners and operators will be required to use only the grades of pellet fuels and wood chips that are included in the owner's manual based on the heater/stove certification tests. In this final rule, we are revising the original 1988 enforcement and audit provisions to reflect changes in industry practices and development of new tools and procedures. We are also taking final action to improve the previous test methods as well as adding new test methods. More details are in sections IV.D and V.

#### 2. Stepped Compliance Approach

The 1988 NSPS addressed some of the specific characteristics of this source category by developing a stepped compliance approach that provided manufacturers a two-phased implementation of emission limits. Considering that over 90 percent of the manufacturers and retailers are small businesses, we have included this approach in the revised subpart AAA and new subpart QQQQ in order to allow manufacturers lead time to develop, test, field evaluate and certify current technologies across their consumer product lines to meet Step 2 emission limits and in most cases to allow retailers to sell-through inventory. Upon the effective date of this final rule, all new residential wood heaters subject to subparts AAA and QQQQ will be required to meet the NSPS standards. The standards are phased from immediate requirements on the effective date to Step 2 emission limits five years later. The specific emission limits and dates for subparts AAA and QQQQ are shown in Table 3 and Table 4, respectively. To further ease the transition on small businesses, the EPA will not require new testing of heaters that have current certificates of compliance under the 1988 NSPS that show they meet the Step 1 emission levels. Those certificates are automatically extended beyond their current expiration date until the compliance deadline for the Step 2 emission limits. Also, this final rule automatically deems certified hydronic heaters that have been qualified at the Step 1 emission level (or better) under the EPA voluntary partnership program for hydronic heaters or forced-air furnaces that have been independently certified at the Step 1 emission level (or

better) or under Canadian Standards Association B415.1–10.

### 3. NSPS Labels

The final rule requires that each room heater under subpart AAA and central heater under subpart QQQQ be equipped with a permanent label meeting the applicable requirements in § 60.536 and § 60.5478, respectively. The permanent label must include identifying information for the unit and its compliance certification status. The permanent label must be installed so that it is readily visible both before and after the unit is installed. This requirement is needed to assist state, local and tribal officials in determining if a unit complies with state, local and tribal rules and in determining eligibility for any future change out (replacement) programs. Note that “readily visible” does not mean under the body of freestanding stove but it does allow an easily removable decorative façade to cover the label.

In the 1988 NSPS, temporary labels (*e.g.*, hangtags) were required for wood heaters that are subject to the standards, as well as ones that are not (*e.g.*, coal heaters/stoves). These temporary labels were intended to assist consumers in comparing different appliance models and to inform the consumer about the importance of proper operation and maintenance. We proposed to remove the requirement for temporary labels, and we requested comment. After reviewing the comments received, the EPA now concludes that these temporary labels are most valuable if they assist purchasers in identifying the cleanest and most efficient heaters. Therefore, in this final rule the EPA is allowing (voluntary) a temporary NSPS label (hangtag) for each adjustable burn rate heater, single-burn rate heater, pellet heater/stove, hydronic heater and forced-air furnace sold at retail that meets the Step 2 emission limits before the Step 2 compliance date. This temporary label option will end upon the Step 2 compliance date.

In addition, we are providing an alternative compliance option for manufacturers who choose to demonstrate compliance with Step 2 emission limits using cord wood testing rather than the standardized crib wood testing, currently used for the primary compliance option for appliances regulated under subpart AAA and for hydronic heaters under subpart QQQQ. As discussed in the preamble to the February 3, 2014, proposed rule, crib wood is a specified configuration and quality of dimensional lumber and spacers that improves the repeatability of the test method. Cord wood is a

different specified configuration and quality of wood that more closely resembles what a typical homeowner would use. Cord wood testing is a better measure of how the heaters will perform on the type of fuel commonly used in homes.

Each of these models would be equipped with both a permanent label and the voluntary option of a special temporary label (hangtag) informing consumers that these wood heaters were tested and certified when burning cord wood. The specific emission limits are discussed in sections III.B and III.C.

### 4. New Residential Masonry Heaters (Proposed Subpart RRRR)

The EPA is not taking final action at this time on proposed subpart RRRR for new residential masonry heaters. Our reason for taking no action at this time is to allow additional time for the Masonry Heater Association (MHA) to finish their efforts to develop revised test methods, an emissions calculation program and an alternative dimensioning standard. The MHA believes these efforts are critical because most masonry heaters are custom built on-site and testing each custom model would be difficult. The nationwide emission impacts of delaying regulating subpart RRRR are small relative to the impacts of regulating subparts AAA and QQQQ. Fewer than approximately 1,000 masonry heaters are manufactured each year and a total of less than 10 tons per year of PM<sub>2.5</sub> are currently emitted. In comparison, new wood burning appliances covered by subparts AAA and QQQQ are estimated to number more than 200,000 (2015) and currently emit more than 11,000 tons per year of PM<sub>2.5</sub>.<sup>5</sup>

### B. Room Heaters (Revised Subpart AAA)

#### 1. Applicability

After the effective date, new heaters will be required to meet the updated standards. The new standards apply not only to adjustable burn rate wood heaters (the focus of the original regulation), but also to single burn rate wood heaters/stoves, pellet heaters/stoves, and any other affected appliance as defined in revised subpart AAA as a “room heater.” Subpart AAA, as amended, does not apply to new residential hydronic heaters or new residential forced-air furnaces because they are subject to their own subpart. The revised subpart AAA does not apply to fireplaces as defined in Subpart AAA. This final rule tightens the definition for “cook stoves” and adds

definitions for “camp stoves” and “traditional Native American bake ovens” to clarify that they are not subject to the standard other than appropriate labeling for cook stoves and camp stoves and no requirements for traditional Native American bake ovens. Finally, the revised subpart AAA clarifies that the emission limits apply only to wood-burning devices (*i.e.*, not to devices that only burn fuels other than wood, *e.g.*, gas, oil or coal).

#### 2. Automatic EPA Certification for Currently Certified Heaters/Stoves That Meet the Step 1 Emission Levels

In this final rule we make clear that those heaters/stoves with EPA certifications under the 1988 NSPS that show compliance with the Step 1 emission levels will be automatically deemed as certified to meet the Step 1 emission limits under this final rule until the Step 2 compliance date. No separate certification will be required. Over 85 percent of heaters/stoves being sold today already meet the Step 1 emission limit. This automatic certification will avoid unnecessary economic impacts on those manufacturers (over 90 percent are small businesses) who can then focus their efforts on developing a full range of cleaner models that meet Step 2 emission levels. This measure should also help avoid potential delays at laboratories conducting certification testing for heaters newly subject to the NSPS.

#### 3. Two-Step Compliance Approach

We are promulgating a two-step compliance approach that will apply to all new adjustable burn rate wood heaters, single burn rate wood heaters and pellet heaters/stoves. Under this approach, Step 1 emission limits for these sources will apply to each source manufactured on or after the effective date of the final rule or sold at retail on or after December 31, 2015. The approximately 8-month additional time for the retail sale requirement will allow retailers to sell their inventories of heaters that do not comply with the Step 1 emission limits. Step 2 emission limits for these sources will apply to each heater manufactured or sold at retail on or after the date 5 years after the effective date of the final rule. We are not including the alternative three-step emission limit compliance approach for which we also requested comment in the proposal. The comments overwhelmingly indicated that the three-step emission limit approach was inferior not only environmentally but also economically because it would, in effect, require

<sup>5</sup> Memo to USEPA from EC/R, Inc. Estimated Emissions from Wood Heaters. January 2015.

many small manufacturers to engage in two rounds of research and development (R&D) rather than one in order to obtain the same eventual endpoint.

Table 3 summarizes the PM emissions limits that apply to each wood heater under this two-step approach. Note that the emissions standards are “as measured” by the test methods specified in the rule and are labeled as PM although the PM is essentially all PM<sub>2.5</sub>. This avoids the potential extra testing costs of measuring PM<sub>2.5</sub> specifically.

TABLE 3—SUBPART AAA PM EMISSIONS LIMITS

Phases/steps	PM emissions limit
Step 1: Upon the effective date of final rule.	4.5 g/hr.
Step 2: 5 years after the effective date of the final rule.	2.0 g/hr.
Step 2: Cord wood alternative compliance option.	2.5 g/hr.

We are allowing an alternative compliance option for manufacturers who choose to certify using cord wood (rather than crib wood) to meet the Step 2 limits. (As discussed earlier in this preamble, crib wood is a specified configuration and quality of dimensional lumber and spacers that improves the repeatability of the test method. Cord wood is a different specified configuration and quality of wood that more closely resembles what a typical homeowner would use.) Special permanent and temporary labels for room heaters certified with cord wood would specify that they meet a PM emissions limit of 2.5 g/hr. The bases for the crib wood primary emission limit of 2.0 g/hr and the cord wood alternative compliance option emission level of 2.5 g/hr for wood stoves, as well as the limited environmental impact of the differences in these levels, are discussed in section V.A BSER and Particulate Emission Limits for Room Heaters (revised subpart AAA).

The proposal would have required cord wood testing for all Step 2 compliance certifications. Cord wood testing is a better measure of how stoves actually perform in home use; however, we are concerned that many manufacturers (over 90 percent are small businesses) do not yet have experience with designing their stoves to perform well with cord wood testing. Some manufacturers may not be ready for cord wood testing by the Step 2 compliance date and that would result in unreasonable economic impacts. Allowing the cord wood alternative

compliance option acknowledges the efforts of the industry leaders and encourages others to follow their example.

The revised subpart AAA does not include a compliance extension for small volume manufacturers. An extension for manufacture of adjustable burn rate heaters is not necessary because over 85 percent of these appliances already comply with Step 1 emission levels.

We are making a single determination of BSER for catalytic, noncatalytic and hybrid heater systems so as not to restrict open market competition. As in the 1988 NSPS, we are requiring manufacturers to provide warranties on the catalysts, prohibit the operation of catalytic heaters/stoves without a catalyst and require operation according to the owner’s manual. In addition, we are requiring manufacturers to provide warranties for noncatalytic and hybrid heaters/stoves and require operation according to the owner’s manual.

As discussed at proposal, we considered requiring efficiency standards (heat output divided by fuel input) to ensure that stoves are efficient and burn no more wood than necessary for the heat demand so that the consumers can save money on fuel and so that the emissions are lower. We did not propose an efficiency standard because we did not have sufficient data, but the final rule uses our authority under section 114 to require the manufacturer to submit third-party efficiency test data, submit the test data report to the EPA and post the results on the manufacturer’s Web site. Also, we will include this submitted information on the EPA Web site. This will help consumers to make informed choices to reduce fuel costs and emissions now and provide data for us to consider for future rulemaking.

#### 4. Emission Testing, Reporting and Certification

We are requiring emission testing, reporting and certification based on crib wood to demonstrate compliance with Step 1 and Step 2 emissions limits. As discussed in the preamble to the February 3, 2014, proposed rule, “crib wood” is a specified configuration and quality of dimensional lumber and spacers that improves the repeatability of the test method. In this final rule, we are also establishing an alternative compliance option that allows manufacturers to use cord wood for the certification tests. “Cord wood” is a different specified configuration and quality of wood that more closely resembles what a typical homeowner would use.

Commenters overwhelmingly agreed that tuning heaters for crib wood certification tests often results in poorer performance in homes. Based on the existence of a viable draft cord wood test method and the expectation at proposal that the ASTM International (formerly known as American Society of Testing and Materials) test methods for cord wood would be complete soon after the NSPS proposal and that significant testing of wood heaters retuned to perform well on cord wood would occur before promulgation of this final rule, the EPA proposed to require testing only with cord wood for compliance with Step 2 emissions limits. We still encourage manufacturers to design wood heaters that best represent in-home performance on cord wood that consumers use as soon as possible. However, the ASTM cord wood test methods have not been completed and only limited testing using the draft methods has occurred.

We received numerous comments from noncatalytic stove manufacturers and laboratories and some states with concerns about when the cord wood test methods would be ready and how quickly noncatalytic stoves could be redesigned to perform well with cord wood certification testing that we proposed for Step 2, *i.e.*, 5 years after the effective date. As discussed in the NODA, as of May 2014, we had test data for three catalytic or hybrid wood heaters/stoves that performed very well on cord wood. However, considering all of the above, we have determined that we do not have sufficient data at this time to support a regulatory requirement for cord wood testing.

We expect that many manufacturers will choose the alternative cord wood compliance testing option so that consumers will have more opportunities to purchase stoves that are tuned for in-home use. We will consider alternative cord wood test method requests on a case-by-case basis until we are convinced that improved test methods have been sufficiently demonstrated that they can be relied upon for regulatory purposes. For now, we will be receptive to alternative test method requests that use the current ASTM draft method. Also, we will be receptive to other requests that are sufficiently demonstrated, ideally using the EPA Method 301 validation procedures. Additionally, we expect that within the next few years we will receive enough cord wood test data for the EPA to establish revised certification requirements based on cord wood testing.

The final rule requires that pellets for the certification tests be only those that

have been graded under a licensing agreement with a third-party organization and meet the minimum quality specifications in § 60.532. Commenters indicated that several organizations are currently available and others are planned, for example, the Pellet Fuels Institute (PFI), ENplus and CANplus. Details of the PFI program are available at <http://pelletheat.org/pfi-standards/pfi-standards-program/>. Details of the ENplus program are at <http://www.enplus-pellets.eu/wp-content/uploads/2012/01/ENplus-Handbook-2.0.pdf>. Details of the CANplus program are at [http://controlunion.ca/fileupload/CA/Certifications/ENplusCANplus/CANplus\\_handbook\\_v2-0.pdf](http://controlunion.ca/fileupload/CA/Certifications/ENplusCANplus/CANplus_handbook_v2-0.pdf). Manufacturers' data show that pellet fuel quality assurance is necessary to ensure that the appliances operate properly and meet the certified emission limits.

At this time, we lack sufficient data to issue a CO emissions limit in today's final rule. However, this final rule uses our authority under section 114 to require manufacturers to determine CO emissions during the compliance tests (as is typically done already), report those results to the EPA and include those results on the manufacturer's Web site, so that data will be available to consumers, and to the EPA and states for CO NAAQS compliance implementation plan considerations and future wood heater rulemakings. We intend to include context and consumer-friendly summaries of the submitted CO emissions data on the EPA Burn Wise Web site also.

Like the 1988 subpart AAA, this final rule uses the EPA authority under section 114 of the CAA to require each manufacturer to submit applications for certifications of compliance for all new models. We are revising the certification process to include third-party certifiers in order to reduce the potential for certification delays that could result from insufficient capacity. However, commenters expressed concern, which we share, that there may not be sufficient third-party certifier capacity and review and approval capacity by the EPA, especially in the first year. Therefore, to avoid unfairly restricting the production and sales of manufacturers who do all the things they should do and then potentially have to wait on EPA approval, we have added a conditional, temporary approval by the EPA based on the manufacturer's submittal of a complete certification application. The application must include the full test report by an EPA-accredited laboratory and all required compliance statements by the manufacturer. The conditional

approval would allow manufacture and sales for 1 year or until EPA review of the application, whichever is earlier. Within that year, the manufacturer must submit a certificate of conformity by a third-party certifier. (In this preamble, we use the terms "third-party certifier," "certifying body," "certifying entity" and "certifying body/entity" interchangeably.)

The EPA is revising the definition of "Accredited Test Laboratory," from only EPA-accredited laboratories to include laboratories accredited by a nationally recognized accrediting body/entity to perform testing for each of the test methods specified in this NSPS under ISO-IEC<sup>6</sup> Standard 17025. Laboratories must be approved by the EPA before beginning certification testing. Current EPA-accredited laboratories may retain their accreditation until 3 years after the effective date of this final rule. Laboratories that are not currently EPA-accredited must achieve ISO-accreditation and register with the EPA within 6 months of the effective date of this rule. Laboratories must report any changes in their accreditation and any deficiencies found under ISO 17025 to the EPA, and the EPA may revoke approval if warranted.

The EPA is requiring a "Certifying-Body-Based Certification Process" beginning 6 months after the effective date of this final rule for all heaters/stoves except hydronic heaters. For hydronic heaters, the "Certifying-Body-Based Certification Process" is required upon the effective date of this final rule because this certification process has already been required under EPA's Hydronic Heater Partnership Program since October 2008. Under this process for all heaters/stoves subject to subparts AAA and QQQQ, after testing is complete, a certification of conformity with the PM emissions limits must be issued by a certifying body with whom the manufacturer has entered into contract for certification services. The certifying body must be accredited under ISO-IEC Standard 17065 and register their credentials with the EPA and receive EPA approval prior to conducting any certifications or related work used as a basis for compliance with this rule and report any changes in their accreditation and any deficiencies found under ISO 17065. Any certifying body that is approved by the EPA and is ISO-accredited is required to act in such a way that will not create a conflict of interest and work with integrity and

honesty. The EPA will oversee the certifying body's work and retain the right to revoke the EPA approvals if appropriate. Upon review of the test report and quality control plan submitted by the manufacturer, the certifying body may certify initial compliance and submit the required documentation on behalf of the manufacturer to the EPA's Office of Enforcement and Compliance Assurance for review, approval and listing of the certified appliance.

The rule continues to require the owner or operator of a wood heating appliance to operate the heater consistent with the owner's manual and not burn improper fuel. Owners and operators must operate pellet fuel appliances with the grades of pellet fuels that are included in the owner's manual. Manufacturers are required to void their warranties in cases of improper operation. Numerous states expressed their support for the continuation of these requirements. Some states and local jurisdictions have enforced similar requirements, and this final rule will allow the EPA to approve state requests for delegation of enforcement authority for these NSPS requirements. In addition, we expect many state, local and tribal authorities will adopt some of the important and very successful strategies in *Strategies for Reducing Wood Smoke*,<sup>7</sup> including changing out (replacing) older heaters with newer, cleaner, more efficient heaters and developing site-specific installation and operating requirements to ensure heaters are not over-sized, avoid nuisance conditions, and ensure proper operation, e.g., using EPA Method 22 observations of visible emissions as an indicator of potential poor or improper operation to help ensure healthy air for all.

The rule continues to contain the crucial quality assurance provisions in the 1988 NSPS. For example, manufacturers must request EPA approval of model line re-certifications or new certifications whenever any change is made in the original design that could potentially affect the emissions rate for that model line or when any of several specified tolerances of key components are changed. The 1988 requirements for manufacturer quality assurance programs are strengthened in the revised rule by requiring the manufacturer within 6 months after the effective date to

<sup>6</sup> The International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) prepare and publish international standards.

<sup>7</sup> *Strategies for Reducing Residential Wood Smoke*. EPA-456/B-13-001, March 2013. Prepared by Outreach and Information Division, Air Quality Planning Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

contract for a certifying-body to conduct quality assurance audits within 12 months. The certifying body will conduct regular, unannounced audits to ensure that the manufacturer's quality control plan is implemented properly.

The EPA audit testing programs of the 1988 NSPS are retained under the revised rule, although they are streamlined and simplified to better ensure compliance and to clarify that audits can be based on any information the EPA has available and that audits do not need to be statistically random. Also, the rule clarifies that the EPA and states are allowed to be present during the audits and that states (and other entities, including the public) may provide the EPA with information that may ultimately be used in any EPA enforcement and compliance assurance efforts.

### *C. Central Heaters: Hydronic Heaters and Forced-Air Furnaces (Subpart QQQQ)*

#### 1. Applicability

After the effective date, new heaters will be required to meet the new standards. In this final rule, the EPA is adding 40 CFR part 60, subpart QQQQ, which applies to all new wood-fired residential hydronic heaters, wood-fired forced-air furnaces and any other wood-fired affected appliance defined in subpart QQQQ as a "central heater." Wood-fired means designed or marketed to be capable of burning wood or used to burn wood. For example, a coal-fired heater cannot be marketed as capable of wood-burning unless it meet the requirements of this rulemaking and the marketing brochures and owner's manuals must be clearly specific to coal rather than wood. Hydronic heater means a fuel-burning device designed to burn wood or wood pellet fuel for the purpose of heating building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture. Forced-air furnace means a fuel burning device designed to burn wood or wood pellet fuel that warms spaces other than the space where the furnace is located, by the distribution of air heated by the furnace through ducts.

This new "central heater" categorization better ensures that all appliances affected under this new subpart are included in this final action. Adding subpart QQQQ addresses heater appliance types in the 1987 residential wood heater source category listing that were not regulated by the 1988 NSPS. This new subpart is designed similar to subpart AAA, *i.e.*, certification testing of

a representative unit in a model line, label requirements, associated quality assurance requirements and stepped (phased) implementation.

The provisions of subpart QQQQ apply to each affected unit that is manufactured or sold at retail on or after May 15, 2015.

#### 2. Automatic EPA Certification for Currently Certified or Qualified Central Heaters That Meet the Step 1 Emission Levels

In this final rule we make clear that those hydronic heaters with valid EPA Phase 2 qualifications under the voluntary EPA Hydronic Heater Partnership Agreement of October 12, 2011, or hydronic heaters certified by the New York State Department of Environmental Conservation (NYSDEC) that show compliance with the Step 1 emission limits will be automatically deemed EPA certified to meet the Step 1 emission limits under this final rule until the Step 2 compliance date. Also, residential pellet hydronic heaters/boilers that have been qualified under the Renewable Heat New York (RHNY) program will be automatically deemed EPA certified to meet Step 1. (Note that the RHNY program requires pellet heating systems to include installation of thermal storage to maintain high-efficiency and low emissions performance throughout daily and annual cycles. The minimum size thermal storage for boilers less than 85,000 BTU/hr is 119 gallons or 2.0 gallons per 1,000 BTU/hr, whichever is less. For boilers greater than 85,000 BTU/hr, the minimum heat storage is 2.0 gallons per 1,000 BTU/hr.) No separate EPA certification will be required. Similarly, forced-air furnaces independently certified (*i.e.*, not self-tested) under Canadian Standards Association (CSA) B415.1–10 as well as forced-air furnaces certified by the NYSDCE that show compliance with the Step 1 emission limits will be deemed EPA certified to meet the Step 1 emission limits under this final rule until the Step 2 compliance date. This automatic EPA certification will avoid unnecessary economic impacts on those manufacturers (over 90 percent are small businesses) who can then focus their efforts on developing a full range of cleaner models that meet Step 2 emission levels. This measure should also help avoid potential delays at laboratories conducting certification testing for heaters newly subject to the NSPS.

#### 3. Stepped Compliance Approach

We are promulgating a stepped compliance approach that will apply to all new central heaters.

For hydronic heaters, standards will apply to each hydronic heater manufactured after May 15, 2015 and each hydronic heater sold after December 31, 2015. Step 1 p.m. emission limits will apply to each hydronic heaters manufactured on or after May 15, 2015 or sold at retail after December 31, 2015. Step 2 p.m. emission limits will apply to each hydronic heater manufactured or sold at retail on or after May 15, 2020.

For hydronic heaters, we are not promulgating the alternative three-step emission limit approach for which we requested comment in the proposal. The comments overwhelmingly indicated that the three-step emission limit approach was inferior not only environmentally but also economically because it would, in effect, require many small manufacturers to engage in two rounds of R&D rather than one in order to obtain the same eventual endpoint.

For forced-air furnaces, standards will apply to each forced-air furnace manufactured or sold after May 15, 2015. Work practice and operational standards will apply to each forced-air furnace manufactured or sold at retail after May 15, 2015. Step 1 PM emission limits will apply to small (less than 65,000 BTU/hr heat output) forced-air furnaces manufactured or sold on or after May 16, 2016. Step 1 PM emission limits will apply to large (65,000 BTU/hr heat output or larger) forced-air furnaces manufactured or sold on or after May 15, 2017. Step 2 PM emission limits will apply to each forced-air furnace manufactured or sold at retail on or after May 15, 2020.

For forced-air furnaces, we are not promulgating the alternative three-step emission limit approach for which we requested comment in the proposal. The comments overwhelmingly indicated that the three-step emission limit approach was inferior not only environmentally but also economically because it would, in effect, require many small manufacturers to engage in two rounds of R&D rather than one in order to obtain the same eventual endpoint. However, commenters were very concerned about the infeasibility of enforcing an emission limits for forced-air furnaces due to the technical and economic impracticability of testing and certifying approximately 50 forced-air furnaces in the 60 days between publication of this rule and the effective date. For example, a typical forced-air



furnace certification test takes approximately 1 week in the laboratory after the furnace is shipped to the laboratory and a time is scheduled to begin testing. Typically, the laboratory takes approximately 3 or 4 weeks to prepare a complete test report for the manufacturer to submit to the EPA. A reasonable overall estimate is approximately 1.25 months, not counting potential conflicts with other testing in the laboratories. Currently, there are only 4 laboratories that can test forced-air furnaces. We estimate that approximately 12 small forced-air furnaces and 38 large forced-air furnaces would need to be tested as soon as possible. If those tests were to be divided equally among the 4 laboratories, it would take a minimum of approximately 4 months to submit the 12 certification test reports for the small furnaces and an additional year to submit the 38 certification test reports for the large furnaces to the EPA, far longer than the 60 days between the publication date and the effective date. Thus, as noted above, we are requiring work practice and operational standards on the effective date as allowed under section 111(h)(2)(B) of the CAA, and requiring Step 1 PM emission limits for small forced-air furnaces 1 year after the effective date and Step 1 PM emission limits for large forced-air furnaces 2 years after the effective date. Specifically, the manufacturers must develop model-specific descriptions of proper operation and best practices; include them in their owner's manuals;

provide training on them to their distributors; and provide them in written and video format to purchasers/operators/users of their heaters. The specific details that must be included in owner's manuals are in § 60.5474 and Appendix I of this rulemaking.

The following are excerpts of the operational standards required in this rule that must be included in the owner's manuals. Operators must not burn unseasoned wood.

The use of properly split, stored and seasoned wood has much lower PM emission than high-moisture wood, *i.e.*, green wood or wet wood. Operators must not burn improper fuels such as (1) residential or commercial garbage; (2) lawn clippings or yard waste; (3) materials containing rubber, including tires; (4) materials containing plastic; (5) waste petroleum products, paints or paint thinners, or asphalt products; (6) materials containing asbestos; (7) construction or demolition debris; and (8) paper products; cardboard, plywood or particleboard (Note that best practices do allow the use of fire starters made from paper, cardboard, saw dust, wax and similar substances for the purpose of starting a fire in an affected heater); (9) railroad ties or pressure treated lumber; (10) manure or animal remains; (11) salt water driftwood or other or other previously salt water saturated materials; (12) unseasoned wood; and (13) any materials that are not included in the warranty and owner's manual for the subject heater or furnace.

The owner's manual and training materials must also educate operators

on the use of proper operating practices, including correct positioning of bypasses and air dampers during startup, normal operation and reloading. Proper practices also include checking air tubes, catalysts (if so equipped), heat exchangers and other critical parts of the heater to ensure they are working properly and are maintained as needed. Best burn operational practices are already highlighted in many manufacturers' owner's manuals, educational materials from HPBA and Burn Tips on EPA's Burn Wise Web site. Numerous comments noted that best work practices and proper operation and maintenance can significantly reduce emissions at reasonable costs. Thus, considering all of the above, the EPA has determined that these work practice and operational standards represent the best systems of emission reduction as required by section 111(h)(1) for the immediate time frame from the effective date until the Step 1 PM emissions limits apply. More discussion of comments on stepped compliance and the EPA's responses are in section V. Summary of Major Comments and Responses.

Table 4 summarizes the PM emissions limits for hydronic heaters and forced-air furnaces that will apply at each step. Note that the emissions standards are "as measured" by the test methods specified in the rule and are labeled as PM although the PM is essentially all PM<sub>2.5</sub>. This avoids the potential extra testing costs of measuring PM<sub>2.5</sub> specifically.

TABLE 4—SUBPART QQQQ PM EMISSIONS LIMITS

Appliance	Steps	Particulate matter emissions limits
Residential Hydronic Heater .....	Step 1: on or after May 15, 2015 .....	0.32 lb/mmBtu heat output (weighted average) and a cap of 18 g/hr for each individual test run.
	Step 2: on or after May 15, 2020 .....	0.10 lb/mmBtu heat output for each individual burn rate.
	Step 2: cord wood alternative compliance option .....	0.15 lb/mmBtu heat output for each individual burn rate.
Forced-Air Furnace .....	Work practice and operational standards: on or after May 15, 2015.	No specific PM limit.
	Step 1 for small furnaces: on or after May 16, 2016	0.93 lb/mmBtu heat output (weighted average).
	Step 1 for large furnaces: on or after May 15, 2017	0.93 lb/mmBtu heat output (weighted average).
	Step 2 for small or large furnaces: on or after May 15, 2020 (using cord wood as specified in CSA B415.1–10).	0.15 lb/mmBtu heat output for each individual burn rate.

We are allowing an alternative compliance option for manufacturers who choose to certify using cord wood (rather than crib wood) to meet the Step 2 limits for hydronic heaters. The proposal would have required cord wood testing for all Step 2 compliance certifications. Cord wood testing is a better measure of how stoves actually

perform in home use; however, we are concerned that many manufacturers (over 90 percent are small businesses) do not yet have experience with designing their stoves to perform well with cord wood testing. Numerous hydronic heater manufacturers may not be ready by the Step 2 compliance date and that could result in unreasonable

economic impacts. Allowing this option acknowledges the efforts of the industry leaders and encourages others to follow their example. Special (required) permanent and (voluntary) temporary labels for heaters certified with cord wood would specify that they meet a PM emissions limit of 0.15 lb/mmBtu heat output. The Step 2 PM emission



limit for forced-air furnaces matches the hydronic heater alternate cord wood option emission level of 0.15 lb/mmBtu because CSA B415.1–10 already specifies cord wood for the certification tests. The bases for the emission levels are discussed in section V.B BSER and Particulate Emission Limits for Central Heaters (subpart QQQQ).

We are making a single determination of BSER for catalytic, noncatalytic, hybrid, cord wood and pellet heaters and furnaces in order to not restrict open market competition. We are requiring manufacturers to provide warranties on the catalysts, prohibit the operation of catalytic heaters and furnaces without a catalyst and require operation according to the owner's manual. In addition, we are requiring manufacturers to provide warranties for noncatalytic and hybrid heaters and furnaces and require operation according to the owner's manual.

As discussed at proposal, we considered requiring efficiency standards (heat output divided by fuel input) to ensure that heaters are efficient and burn no more wood than necessary for the heat demand so that the consumers can save money on fuel and so that the emissions are lower. We did not propose an efficiency standard because we concluded we do not yet have sufficient data, but the final rule uses our section 114 authority to require efficiency testing and reporting to the EPA. We will include context and summaries of this information on the EPA Burn Wise Web site. This will help better inform consumers so they can choose the best-performing heaters now that will also save them money on fuel costs and also reduce PM emissions by burning less wood. This will also provide data to states and the EPA as we consider future wood heater rulemaking.

At this time, we lack sufficient data to issue a CO emissions limit in today's final rule. However, this rule uses our section 114 authority to require manufacturers to determine CO emissions during the compliance tests (as typically conducted), report those results to the EPA and include those results on the manufacturer's Web site. This will help better inform consumers so they can choose the best-performing heaters that have less CO emissions and less health concerns for themselves and their neighbors. This will also provide data to states and the EPA as we consider future rulemaking. We intend to include context and summaries of the submitted CO emissions data on the EPA Burn Wise Web site also.

In this final rule, we are not setting limits on visible emissions, and we are

not prohibiting use in non-heating seasons. However, operators should note that some state, local and tribal jurisdictions have limits, prohibitions and other requirements that must be followed.

Like the subpart AAA requirements, the subpart QQQQ requirements provide additional time for the sale of unsold hydronic heaters manufactured before the compliance date. This additional sell-through time does not include forced-air furnaces because EPA has determined that it is reasonable for forced-air furnace manufacturers to revise their owner's manuals, training and marketing materials to comply with the work practice and operational standards by the effective date.

As in subpart AAA, subpart QQQQ includes a list of prohibited fuels because their use would cause poor combustion or even hazardous conditions. As in subpart AAA, subpart QQQQ requires that the owner or operator must operate the hydronic heater or forced-air furnace in a manner that is consistent with the owner's manual and the rule requires the manufacturer to discuss the best operating practices in the owner's manual. For pellet-fueled appliances, operation according to the owner's manual includes operation only with pellet fuels that are specified in the owner's manual. As in subpart AAA, manufacturers must only specify graded and licensed pellets that meet certain minimum requirements. Data show that pellet quality is important to ensure that the appliances operate properly such that emissions are within the appliance certification limits.

The permanent labeling requirements and owner's manual requirements in subpart QQQQ are similar to the guidelines in the EPA's current voluntary hydronic heater program with some improvements. Like in subpart AAA, the temporary labels (hangtags) are voluntary and are only for models that meet Step 2 levels before the compliance date and these hangtags end upon the Step 2 compliance date. Subpart QQQQ also has a cord wood alternative compliance option with a special permanent label and a voluntary temporary label (hangtag) for models that meet Step 2 using cord wood. The structure of the rest of subpart QQQQ is similar to the subpart AAA certification and quality assurance process.

#### 4. Emission Testing, Reporting and Certification

The final rule requires that before manufacture and sale at retail, all affected hydronic heaters and forced-air furnaces subject to subpart QQQQ must

conduct certification compliance testing, submit a certificate of compliance and receive EPA approval for the Step 1 and Step 2 PM emission limits by the dates shown in Table 4.

For hydronic heaters, we are requiring emission testing, reporting and certification based on crib wood to demonstrate compliance with Step 1 and Step 2 emissions limits. The final rule requires crib wood emission testing of hydronic heaters by one of the following methods: EPA Method 28WHH in its entirety or EPA Method 28WHH-PTS (with approved adjustment for crib wood versus cord wood) or ASTM E2618–13 with conditions or European National (EN) test method EN 303–5 with conditions. We note that EPA's current NSPS general provisions provide that affected sources may request EPA approval of alternative test methods on a case-by-case basis as appropriate. See 40 CFR 60.8(b).

Commenters overwhelmingly agreed that tuning heaters for crib wood certification tests often results in poorer performance in homes. Based on the existence of viable draft cord wood test methods and the expectation that the ASTM test methods would be final soon after the NSPS proposal and that significant testing of heaters re-tuned to perform well on cord wood would occur before promulgation of this final rule, the EPA proposed to require testing with cord wood for the Step 2 emissions limits. We still encourage manufacturers to design wood heaters that best represent in-home performance on cord wood that consumers use as soon as possible. However, the ASTM cord wood test methods have not been completed and only limited testing using the draft methods has occurred.

We received numerous comments with concerns about when the cord wood test methods would be ready and how quickly heaters could be redesigned to perform well with cord wood certification testing that we proposed for Step 2, *i.e.*, 5 years after the effective date. At proposal, we had limited test data for heaters using cord wood. Considering all of the above, we have determined that we do not have sufficient data at this time to adequately support a regulatory requirement for cord wood testing.

We expect that many manufacturers will choose the alternative cord wood compliance testing option so that consumers will have more opportunities to purchase stoves that are tuned for in-home use. We will consider alternative cord wood test method requests on a case-by-case basis until we are convinced that improved test methods

have been sufficiently demonstrated that they can be relied upon for regulatory purposes. For now, we will be receptive to alternative test methods requests that use the current ASTM draft methods. We will also be receptive to other alternative test method requests that are adequately demonstrated, ideally according to the EPA Method 301 validation procedures.

Additionally, we expect that within the next few years we will receive enough cord wood test data for the EPA to establish revised certification requirements based on cord wood testing.

In this final rule, the EPA is relying on the cord wood test method that has been developed by the CSA for forced-air furnaces. The current version of CSA B415.1–10 was published in March 2010, and it includes not only the forced-air furnace test method but also Canadian emission performance specifications for indoor and outdoor central heating appliances.

In this final rule, we are relying on efficiency test methods that have been developed by the CSA. The current version of CSA B415.1–10 was published in March 2010.

As discussed earlier in section III.B.4 of this preamble, regarding the certification process for room heaters (revised subpart AAA), we are also requiring third-party certifiers for hydronic heaters and forced-air furnaces so as to reduce the potential for certification delays that could result from errors in testing. However, for forced-air furnaces, we are concerned that there may not be sufficient third-party certifier capacity specific to forced-air furnace testing according to the CSA B415.1–10 test method and review and approval capacity by the EPA, especially in the first year. We do not want to unfairly restrict the production and sales of forced-air furnace manufacturers who do all the things they should do and then potentially have to wait on EPA approval. Thus, we have added a conditional, temporary approval by the EPA for forced-air furnaces based on the manufacturer's submittal of a complete certification application. The application must include the full test report by an EPA-approved laboratory and all required compliance statements by the manufacturer. The conditional approval would allow forced-air furnace manufacture and sales for 1 year or until EPA review of the application, whichever is earlier. Within that year, the manufacturer must submit a certificate of conformity by a third-party certifier.

The 1-year conditional, temporary approval by the EPA does not apply to hydronic heaters because they have been required to submit third-party certifications for the EPA hydronic heater voluntary partnership program since 2008 and will continue to do so under this NSPS.

#### **IV. Summary of Significant Changes Following Proposal**

This section is a summary of the significant changes from the proposed rule based on the comments and additional material we received and have carefully considered. The reasons for these changes and their potential impacts are in the Response to Comments (RTC) document and are summarized in section V Summary of Major Comments and Responses.

##### *A. Best Systems of Emission Reduction/Particulate Emission Limits*

We received considerable comment on the proposed PM emission limits that is relevant to our determination of BSER. As explained in more detail in section V, these final emission limits represent significant advances in stove technology and substantial reductions in emissions, both collectively and from individual units.

##### **1. Room Heaters**

The EPA is changing the proposed Step 2 PM emissions limit for new residential room heaters, including catalytic and noncatalytic adjustable rate wood heaters, single burn rate wood heaters and pellet heaters/stoves from 1.3 g/hr to 2.0 g/hr using crib wood. Compliance for room heaters will be determined using the weighted average of burn rates rather than requiring each individual burn rate to meet the limit. To reduce potential certification delays and unnecessary costs for small businesses, we are adding an automatic Step 1 EPA approval for models with valid EPA certifications under the 1988 NSPS that show that the models achieve the Step 1 emission levels. Manufacturers may choose to test using either crib wood or cord wood. If the manufacturers choose the cord wood alternative compliance option, the PM emission limit for cord wood is 2.5 g/hr. Although the number is higher, the cord wood test method is more reflective of fuel that is used in homes and the data available to the EPA indicate that this PM emission level is at least as stringent as the 2.0 g/hr primary crib wood testing emission limit. More details on this are in section V.A Summary of Major Comments and Responses.

For wood heater/stove certification tests using cord wood, the EPA is allowing (voluntary) manufacturers to use a special EPA label which recognizes that cord wood testing more closely reflects actual in-home use.

##### **2. Central Heaters: Hydronic Heaters and Forced-Air Furnaces**

For new residential hydronic heaters, the final rule keeps the proposed Step 1 weighted average PM emission rate of 0.32 lb/mmBTU heat output, establishes a Step 1 PM emissions cap of 18 g/hr for any individual test run and adds automatic Step 1 EPA certification for hydronic heater models if they are already qualified as meeting the Phase 2 emissions level of the EPA's voluntary program. The change from the proposed Step 1 cap of 7.5 g/hr to the final rule Step 1 cap of 18 g/hr was to match the Phase 2 emission levels of the EPA voluntary program and reduce potential certification delays. To further reduce potential certification delays and unnecessary costs for small businesses, we are also adding automatic Step 1 EPA certification for hydronic heater models certified by NYSDEC that demonstrate the models achieve the Step 1 levels and RHNH-qualified pellet hydronic heaters. Similarly, we are adding automatic Step 1 EPA certification for new forced-air furnaces that are independently certified (*i.e.*, not self-tested) under CSA B415.1–10 to meet the Step 1 emission level or that are certified by NYSDEC and meet the Step 1 emission level. For forced-air furnaces for Step 1, we deleted the 7.5 g/hr particulate emission limit per individual burn rate because the CSA B415.1–10 certifications are based on the weighted average, not the g/hr limit, and because the manufacturers do not have experience with meeting g/hr limits for these furnaces.

For hydronic heaters, we are changing the proposed Step 2 PM emissions limit of 0.06 lb/mmBtu heat output to 0.10 lb/mmBtu heat output for each individual burn rate, tested on crib wood. Manufacturers may choose to test using either crib wood or cord wood. If the manufacturer chooses the cord wood alternative compliance option, the Step 2 PM emission limit for cord wood is 0.15 lb/mmBtu heat output. Although the number is higher, the cord wood test method is more reflective of the fuel that is used in homes and the limited cord wood data available to the EPA indicate that this PM emission level is at least as stringent as the 0.10 lb/mmBtu heat output crib wood testing emission limit. For forced-air furnaces, the Step 2 PM emission level matches the hydronic heater cord wood

alternative option because forced-air furnaces are certified using CSA B415.1–10, which already specifies cord wood as the test fuel. Details on the bases of the emission levels are in section V, Summary of Responses to Major Comments.

For hydronic heaters and forced-air furnaces tested with cord wood, the EPA is allowing (voluntary) manufacturers to use special permanent labels and EPA temporary labels (hangtags) which recognize that cord wood testing more closely reflects actual operation under in-home-use conditions.

### 3. Masonry Heaters

As stated in section III of this preamble, the EPA is not taking final action on proposed subpart RRRR for new residential masonry heaters at this time. Comments indicated that the Masonry Heater Association (MHA) needs more time to finish their efforts to develop revised test methods, alternative compliance calculation procedures and dimensioning procedures. The MHA comments stated that the cost of testing masonry heaters is high and impractical because almost all are custom-built onsite. After we receive additional information from MHA and others, we will consider if we should take final action for new residential masonry heaters in a future rulemaking.

The potential emission impact of this delay is small. Fewer than 1,000 masonry heaters are built each year. Most manufacturers build fewer than 15 heaters per year. The total nationwide annual emissions are estimated to be less than 10 tons of PM<sub>2.5</sub>.

### B. Appliance Certification, Laboratory Accreditation and Third-Party Certification

In section III.D of the preamble to the proposed rule, we described the proposed approach for a third-party certification program by an ISO-accredited certifying body and testing by ISO-accredited testing laboratories. This approach requires manufacturers to use third-party, independent ISO-accredited and EPA-approved test labs and certifying entities to demonstrate compliance with a representative appliance for a model line.

Under the Administrator Approval Process (see § 60.533(c) of the proposed rule), we proposed a transition period of 1 year from the effective date of the final rule for test labs to receive ISO accreditation through an EPA-recognized accreditation body. In this final rule, we are increasing the transition period for test laboratories

that are currently EPA-accredited from 1 year to 3 years from the effective date of this final rule (*i.e.*, until May 15, 2018). This additional time for test laboratory accreditation will reduce concerns about costs for these small laboratories and potential testing delays.

We proposed that certifying entities be required to receive ISO accreditation upon the effective date of the final rule; however, commenters stated that ISO accreditations can take 6 months. Requiring use of ISO-accredited certifying bodies/entities on the effective date of the final rule can be difficult for small manufacturers of wood stoves/heaters and forced-air furnaces, which previously have not been required to obtain certifications from ISO-accredited certifying bodies/entities; therefore, we are allowing a 6-month transition for models other than hydronic heaters. The 6-month transition period does not apply to hydronic heaters because the use of ISO-accredited certifying bodies/entities has been part of the EPA's voluntary partnership program for hydronic heaters since 2008.

### C. Cost and Economic Impacts

Cost and economic impacts of the proposed rule have been revised to reflect changes to the standards and improved estimates of costs and emissions for room heaters and central heaters. See section VI of this preamble for a discussion of these revised impacts, as well as the RIA and the RTC document for this final rule for more detailed information.

### D. Test Methods and Compliance Certification Calculation Procedures

The EPA proposed a number of changes to test methods established under the 1988 rule to improve their precision and to better reflect real-world conditions.

#### 1. Burn Rates in Compliance Certification Calculations

For Step 2 emission limits, we proposed to require certification compliance at the lowest burn rate (Category 1) and the maximum burn rate (Category 4) rather than the weighted average of the four burn rates, which was required in the 1988 rule.

Many comments on the proposal and the data in the NODA strongly supported the proposed compliance determinations per individual burn rates. Many other comments strongly opposed the proposal. Considering all of the comments and focusing on the available test data, especially the EPA wood stove certification test data by burn rate that we included in the July

1, 2014, NODA, we are requiring certification calculations based on the weighted average of the four burn rates for subpart AAA. More detail is presented in section V.A, BSER and Particulate Emission Limits for Room Heaters (revised subpart AAA), and section V.F, Test Methods.

For subpart QQQQ, the final rule uses the weighted average with a cap for each test run for Step 1 (for hydronic heaters), but retains the proposed requirement for compliance at each burn rate for Step 2 (for both hydronic heaters and forced-air furnaces), given concerns about the sometimes very large emissions at individual burn rates. The emission limits reflect the data available. For a more detailed discussion of these comments and responses, see the RTC document in the docket for this rule.

### 2. Cord Wood Test Method

Based on the existence of viable draft cord wood test methods and the expectation at proposal that the ASTM "real world" test methods for cord wood would be complete soon after the NSPS proposal and that significant testing of wood heaters re-tuned to perform well on cord wood would occur before promulgation of this final rule, the EPA proposed to require testing only with cord wood for compliance with Step 2 emissions limits. We still encourage manufacturers to design wood heaters that perform best on cord wood that consumers use. However, the ASTM cord wood test methods have not been completed and only limited testing using the draft methods has occurred. We received numerous comments from noncatalytic stove manufacturers and laboratories and some states with concerns about when the cord wood test methods would be ready and how quickly noncatalytic stoves could be redesigned to perform well with cord wood certification testing that we proposed for Step 2, *i.e.*, 5 years after the effective date. (We had test data for three catalytic or hybrid wood heaters/stoves that performed very well on cord wood at the time of proposal.) However, considering all of the above, we have determined that we do not have sufficient data at this time to support a regulatory requirement for cord wood testing (other than for forced-air furnaces), but rather will allow an alternative compliance option for cord wood testing. (Note that forced-air furnace certification tests are conducted according to CSA B415.1–10 which has specified cord wood as the test fuel since 2010.)

We expect that many manufacturers will choose the alternative cord wood

compliance testing option so that consumers will have more opportunities to purchase stoves that are tuned for use in the “real world.” We will consider alternative cord wood test method requests on a case-by-case basis until we are convinced that improved test methods have been sufficiently demonstrated that they can be relied upon for regulatory purposes. For now, we will be receptive to alternative test methods requests that use the current ASTM draft methods. Also, we will be receptive to other alternative test method requests that are adequately demonstrated, ideally according to the EPA Method 301 validation procedures. Additionally, we expect that within the next few years we will receive enough cord wood test data for the EPA to establish revised certification requirements based on cord wood testing.

See section III of this preamble for the specific alternative compliance emissions limit options we are allowing under subparts AAA and QQQQ for manufacturers of heaters who choose to certify compliance with cord wood instead of crib wood. The bases for the options are discussed in section V, Summary of Responses to Major Comments.

### 3. Additional Test Methods

Based on comments and the need to minimize potential testing and certification delays for Step 1, the final rule includes additional test methods for hydronic heaters. In addition to the proposed use of EPA Method 28WHH and EPA Method 28WHH-PTS, the final rule allows manufacturers to use ASTM E2618-13 and EN303-05 with specified conditions/adjustments (e.g., burn rate categories to better match EPA Method 28WHH and use of thermal storage) for determining compliance with the Step 1 emission limits. As with all NSPS, manufacturers may request EPA approval of alternative test methods on a case-by-case basis. See 40 CFR 60.8.

#### E. Sell-Through of Inventory

Based on numerous comments from small business manufacturers and small business retailers and some states, we are lengthening the retail sell-through period for subpart AAA from 6 months from the effective date of the final rule to December 31, 2015, approximately 8 months from the expected effective date. That is, no manufacturer, distributor, wholesaler or retailer may sell or offer to sell new stoves after December 31, 2015, that do not meet the Step 1 emission limit. Eight months will better cover the primary selling period after the rule is final and will affect a very

small number of appliances. We are also providing a retail sell-through period for subpart QQQQ hydronic heaters to also cover the primary selling period. We are not allowing a retail sell-through period for forced-air furnaces because the manufacturers and retailers can quickly revise the owner's manuals to add best burn practices to comply with the work practice and operational standards. These sell-through provisions do not affect resale of used stoves/heaters; such resale is not restricted by this rule.

#### F. Appeals and Administrative Hearing Procedures

Based on the public comments and our additional review of the history of the 1988 rule, we have determined that there is no need to make the proposed change to a streamlined Petition for Review process. Therefore, we are retaining the Appeals and Administrative Hearing Procedures outlined in the 1988 rule.

### V. Summary of Responses to Major Comments

Detailed summaries are in the RTC document in the docket.

#### A. BSER and Particulate Emission Limits for Room Heaters (Revised Subpart AAA)

We received a full range of comments on the proposed BSER and emission limits for room heaters and the data in the July 1, 2014, NODA. Many comments agreed completely with our proposal and that approximately 10,000 tons/yr of PM<sub>2.5</sub> emission reduction is very important and would lead to significant improvement in public health protection.

Some comments indicated that bans of wood burning would be more appropriate. The EPA is not banning wood burning in this rule because section 111(a)(1) of the CAA requires that the emission standards reflect the degree of emission limitation achievable by the application of BSER.

Some comments suggested that we develop less stringent standards for rural areas than other areas or no standards in rural areas at all. The EPA is not setting different emission standards for rural areas because section 111 of the CAA does not provide legal authority for differentiated standards based on where the devices are used.

#### 1. Stringency of Step 2 Level Using Cord Wood for Room Heaters

Many noncatalytic stove manufacturers and laboratories and some other manufacturers were concerned especially about the stringency of the Step 2 level using cord

wood 5 years after the effective date. We considered all comments and focused on those that discussed the emission data in detail.

Numerous small business manufacturer comments suggested that (1) current stove designs are focused on burning crib wood well at the expense of burning “real world” cord wood well, and stoves cannot just be tweaked to burn both well; (2) experience in homes is that some crib wood-certified stoves smolder if the homeowner does not operate them at high burn for at least 30 minutes before dampening down to the low burn rate settings; (3) a cord wood test method more representative of in-home use should be developed as soon as possible; and (4) a voluntary option should be used to establish a cord wood database to determine BSER.

As discussed in the NODA, limited cord wood testing by Brookhaven National Laboratory (BNL), under contract to the EPA, showed that repeatability of the cord wood test method results can sometimes be very good (i.e., within 15 percent). However, the results of the BNL cord wood tests also showed that emissions from a popular, inexpensive, current-model noncatalytic stove that was not adjusted by the manufacturer for burning cord wood instead of crib wood during the certification test can be much higher than (in several cases, over twice as high) the crib wood emission test results.

Other comments suggested that we stay with the proposed cord wood testing requirement and proposed Step 2 emission level that some heaters can already meet. For example, Washington State Department of Ecology (WSDOE) stated that (1) the data show that hybrid stoves are the best technology capable of meeting Step 2, better than noncatalytic stoves; and (2) the extensive lack of Category 1 burn rate data in the certification tests indicates a “serious flaw” and that EPA needs to develop test methods more representative of in-home use that include start-up and the lowest burn rate at which a device may be commonly operated. We agree with WSDOE that it appears that hybrid stoves may be the best technology capable of meeting Step 2, better than noncatalytic stoves; however, we are concerned about setting required emission levels that may have potential impacts on a large number of small businesses that may not yet have much experience with that technology, and we do not want to prematurely restrict their choices. As discussed in section IV.D, we agree that test methods are needed that better reflect in-home use and include start-up and the lowest burn

rate at which a device may be commonly operated.

As discussed earlier in this preamble, based on the data and comments, we have determined that it is premature to require a cord wood-based Step 2 emission limit at this time. Rather, we are basing the Step 2 requirements on crib wood testing and including an alternative compliance *option* to encourage manufacturers to certify with cord wood as soon as possible to provide consumers with better information regarding in-home use.

In support of the cord wood alternative compliance option, there are three stove model lines that meet Step 2 using cord wood testing. As discussed in section IV.D of this preamble, we expect additional manufacturers will choose the alternative cord wood compliance testing option so that consumers will have more opportunities to purchase stoves that are tuned for in-home use. We will consider alternative cord wood test method requests on a case-by-case basis until we are convinced that improved test methods have been sufficiently demonstrated that they can be relied upon for regulatory purposes. For now, we will be receptive to alternative test method requests that use the current ASTM draft methods. We will also be receptive to other alternative test method requests that are adequately demonstrated, ideally according to EPA Method 301 validation procedures. We expect that within the next few years we will receive enough cord wood test data for the EPA to establish revised certification requirements based on cord wood testing.

Commenters overwhelmingly agree that cord wood testing is a better representation of “real world” conditions, provides better information for consumers to choose the cleanest and most efficient heaters and that the EPA should encourage cord wood testing. Thus, the final rule includes a cord wood alternative compliance option for Step 2 and special permanent labels and allows (voluntary) temporary EPA labels (hangtags) for units tested with cord wood. As discussed earlier in this section, the proposal reasonably anticipated that all manufacturers would iteratively adjust the combustion air flows, directions and proportions to better match the change in hydrocarbon volatilization rate due to the difference in surface-area-to-volume ratio and spacing for crib wood versus cord wood. The proposal also reasonably anticipated that manufacturers would have a full complement of cord wood tested heaters available by Step 2, *i.e.*, 5 years after the effective date. Some

stoves already perform well on cord wood. However, comments from some small business noncatalytic stove manufacturers, small business laboratories and some states have questioned whether most small business manufacturers could comply with the Step 2 emission limits based on cord wood by that date. As discussed in the NODA, the cord wood test data submitted to us for three catalytic or hybrid wood stoves manufactured by two small businesses show that their EPA-certified wood stoves (when tested using cord wood and making no design changes to adjust for testing using cord wood versus crib wood) have similar emissions as their stoves do when tested using crib wood. The cord wood results show that they can achieve an emission limit of 1.3 g/hr, as proposed. Several comments stated that they did not believe these results are representative of most EPA-certified stoves and that typical cord wood values are likely to be higher than the 1.3 gr/hr level, as well as the 2.0 g/hr level of the final crib wood Step 2 emission level or any other crib wood level.

Recognizing that the cord wood alternative compliance option is an option rather than a requirement, we have set the cord wood Step 2 emission level at 2.5 g/hr as the alternative compliance option for room heaters for the following reasons:

- Test data show that at least three wood stoves meet a limit of 1.3 g/hr, which (coupled with some commenters’ claims that the test precision is no better than 1.0 g/hr) would suggest an achievable limit on the order of 2.3 g/hr.

- The State of Washington DOE has required catalytic stoves since 1995 to meet a limit of 2.5 g/hr.

- The Step 2 emission level does not take effect until 5 years after the effective date of this final rule.

The cord wood alternative compliance option provides appropriate opportunities to small manufacturers who have been leaders in optimizing for cord wood performance and encourages other manufacturers to follow their example. More discussion is in the RTC document in the docket for this final rule.

## 2. Stringency of Step 2 Level Using Crib Wood for Room Heaters

We have set the crib wood Step 2 emission limit at 2.0 g/hr for the following reasons:

- Focusing on the comments that discussed the details of the crib wood certification test data for Step 2, nearly 90 percent of current catalytic/hybrid stoves and over 18 percent of current

noncatalytic stoves would meet the Step 2 emission limit of 2.0 g/hr in the final rule. This compares to 20 percent of catalytic/hybrid wood heaters/stoves and only 3 percent of noncatalytic wood heaters/stoves for the proposed 1.3 g/hr Step 2 emission limit.

- Considering that current stove sales are approximately 20 percent catalytic/hybrid stoves and 80 percent noncatalytic stoves, the estimated impact of adjusting the Step 2 emission level from 1.3 g/hr to 2.0 g/hr will be to decrease the emission reduction estimated for this rule by approximately 36 tons per year, which is relatively small compared to the rule’s total estimated emission reduction of 8,269 tons per year. Furthermore, the impact for any individual stove is only on the order of 2 pounds per year.

- The final Step 2 emission limit of 2.0 g/hr is more stringent than any current state requirement.

Thus, considering the significant emission reductions for this final rule and the potential significant cost impacts for this industry that is comprised of over 90 percent small businesses, and considering that the difference between the proposal and this final rulemaking is less than approximately 36 tons per year compared to the 8,269 tons per year for this final rulemaking, we judge that a final Step 2 emission level of 2.0 g/hr within 5 years as BSER for room heaters is a reasonable balance of environmental impacts and costs.

## 3. Determination of BSER for Room Heaters

Some comments questioned that BSER is adequately demonstrated. The data in the paragraph above show that not only are the emission levels demonstrated, the percentages of current heaters that already meet Step 2 demonstrate the reasonableness of the Step 2 emission limit, especially considering that the Step 2 emission limit becomes applicable 5 years after the effective date.

Some comments recommended that the final rule be as stringent as the cleanest stoves on the market and some comments suggested numbers that reflect the top 5 percentile. Section 111 of the CAA does not specify any particular floor for BSER determinations but does require consideration of costs. As discussed above, considering that the emission reduction difference between the proposal and this final rulemaking is approximately 36 tons per year (compared to the 8,269 tons per year for this final rulemaking), we judge that a final Step 2 BSER of 2.0 g/hr within 5

years is a reasonable balance of environmental impacts and costs.

Some comments suggested that the precision of the test method is not good enough to set emission limits more stringent than the 1988 NSPS. In response, we note that the State of Washington DOE has successfully required a 2.5 g/hr emission limit for catalytic stoves since 1995, and several stoves have been EPA-certified at 1.0 g/hr, which is well under the final Step 2 emission limit of 2.0 g/hr. Even if the commenters' claims were correct that the precision is no better than 1.0 g/hr, the final emission limit of 2.0 g/hr would still cover these stoves, *i.e.*, 1.0 g/hr plus 1.0 g/hr equals 2.0 g/hr, the step 2 emission limit. Further, we note that the final rule deletes the previously required upward adjustment for Method 5G to 5H, which was sometimes over a 30 percent increase for certification values (under the 1988 NSPS and the State of Washington DOE) that were tested using Method 5G.

#### *B. BSER and Particulate Emission Limits for Central Heaters (Subpart QQQQ)*

Comments of many small business manufacturers of hydronic heaters and forced-air furnaces questioned the demonstrations of BSER for hydronic heaters and forced-air furnaces, especially the proposed cord wood Step 2 limit of 0.06 lb/mmBtu. As discussed earlier in sections III.B and III.C of this preamble, considering the numerous comments expressing concern about whether most small business manufacturers will be ready in time, reviewing the data currently available, and acknowledging that the expected ASTM cord wood test methods are not yet completed at this time, we have determined that it is premature to require cord wood certification tests for hydronic heaters at this time. Rather, we are allowing a cord wood alternative compliance option.

##### 1. Stringency of Step 1 Level Using Crib Wood for Central Heaters

Focusing on the crib wood test primary requirement and crib wood test data, we see that there are already 50 hydronic heater models Phase 2 qualified under the EPA hydronic heater voluntary partnership program, which also meet the Step 1 emission levels of this final NSPS. These models will be automatically deemed EPA-certified for Step 1 of this final NSPS. (There are also 19 voluntary program qualification tests recently submitted to the EPA that, if valid, will result in 19 additional Phase 2 model qualifications.) Similarly, models certified by the NYSDEC that comply with Step 1 will also be

automatically deemed EPA certified until Step 2. Also, over 20 pellet heaters/boilers are already qualified under the RHNY program, and they will be automatically deemed to be EPA-certified for Step 1 provided they comply with the RHNY requirements for installation and operation with adequate thermal storage. That is, no additional certification will be necessary for these three groups for Step 1.

For forced-air furnaces, commenters indicated that the Step 1 p.m. emission limit was achievable but small furnaces needed 1 year and large furnaces needed 2 years to complete the certification testing. As discussed earlier, the final rule incorporates the necessary additional time for testing.

##### 2. Stringency of Step 2 Level Using Crib Wood for Central Heaters

For new residential hydronic heaters, we have set the crib wood Step 2 emission level at 0.10 lb/mmBtu based on the following:

- Looking at the crib wood test primary requirement for Step 2 (0.10 lb/mmBtu), 9 of the 50 (18 percent) EPA-qualified hydronic heater models currently achieve Step 2 on crib wood (per run); and all 20 of the RHNY-qualified models achieve 0.10 lb/mmBtu.
- The proposed Step 2 level (0.06 lb/mmBtu) currently is achieved only by 3 of the 49 (6 percent) EPA-qualified models (per run).
- The emission reduction difference between the proposed Step 2 hydronic heater emission level (0.06 lb/mmBtu) and the final Step 2 hydronic heater emission level (0.10 lb/mmBtu) is approximately only 15 tons per year (compared to the 8,269 tons per year for this final rulemaking).

Considering the potential significant cost impacts for this industry that is comprised of over 90 percent small businesses, and that the relatively small difference in emission reductions between the proposal and this final rulemaking, we judge that a final hydronic heater Step 2 emission level of 0.10 lb/mmBtu within 5 years as BSER is a reasonable balance of environmental impacts and costs.

##### 3. Stringency of Step 2 Level Using Cord Wood for Central Heaters

As with room heaters (subpart AAA) and for the same reasons, hydronic heaters (subpart QQQQ) have a cord wood alternative compliance option. Considering that it is an option designed to encourage leadership for others to follow, that it is an option rather than a requirement and that many European models already achieve levels better

than 0.06 lb/mmBtu, we have determined that 0.15 lb/mmBtu within 5 years as the cord wood alternative compliance option is a reasonable balance of environmental impacts and costs. We note that the RHNY emission qualification requirement is 0.08 lb/mmBtu. Further, we note that even if there were to be method uncertainty on the order of approximately four times the expected precision of 35 percent, models at 0.06 lb/mmBtu would still be included.

We have set the same final Step 2 emission level for forced-air furnaces as BSER as we have for hydronic heaters based on the following:

- The emission reduction difference between the proposed forced-air furnace Step 2 emission limit of 0.06 lb/mmBtu and this final rulemaking (0.15 lb/mmBtu) is approximately 40 tons per year (compared to 8,269 tons per year emission reduction for this final rulemaking). The difference is slightly larger for forced-air furnaces compared to hydronic heaters because the annual sales of forced-air furnaces are much larger (*i.e.*, 41,000 versus 13,000).

- We considered the potential significant cost impacts for this industry that is comprised of over 90 percent small businesses, as well as the modest difference between the environmental impacts of the proposal and this final rulemaking. Therefore, for forced-air furnaces, we judge that a final Step 2 emission level of 0.15 lb/mmBtu within 5 years as BSER is a reasonable balance of environmental impacts and costs.

Since forced-air furnaces and indoor hydronic heaters compete in the same market, wise consumers expect similar performance. We expect most forced-air furnace manufacturers to transfer technology and knowledge from wood stoves and hydronic heaters. Some small forced-air furnaces have already transferred technology from wood heaters to achieve good performance. Several industry comments questioned their ability to transfer technology from hydronic heaters because of their concerns about size limitations in order to install forced-air furnaces indoors going through doorways and other entrances to basements. They were especially concerned that the space limitations may affect their ability to adequately insulate the models that may be installed in close proximity to combustibles. We acknowledge their concerns but note that coal, oil and natural gas forced-air furnaces and indoor hydronic heaters that have similar space limitations and proximity to combustibles conditions have successfully handled those concerns for many years. For example, numerous

cord-wood-fired indoor hydronic heaters have been safely installed without large volumes of thermal insulation around the firebox

#### C. Appliance Certification

Many comments stressed the importance of easy public availability of certification test reports (especially electronically), limited CBI claims, more details on the EPA Web sites, better labels and more outreach to encourage change outs to cleaner stoves. We agree with these comments and the final rule incorporates this transparency and consumer-friendliness. Some comments suggested wording clarifications that we have incorporated in the final rule. More details are in the RTC document included in the docket for this rule.

#### D. Laboratory Accreditation, Third-Party Certification and Administrative Approval Process

Many comments stressed the importance of credible data for the certifications and the value of close EPA oversight, notwithstanding the addition of ISO-accredited laboratories and ISO-accredited certifying entities. Some comments suggested that the EPA should allow the ISO-accredited certifying entities to issue NSPS certificates directly and that the EPA's role should be solely to review the certifications and only question their certificates upon cause. The small business laboratories requested more time for the transition to ISO-accreditation because of the cost. As discussed earlier in this preamble, the final rule allows a 3-year extension of current EPA accreditations of laboratories and allows 6 months for ISO accreditation of certifying entities, except for hydronic heaters, which have used ISO-accredited certifying entities since October 2008 for the EPA voluntary program. The EPA will retain its approval and oversight functions for this final rule. As also discussed earlier in this preamble, to address the possibility that there may not be sufficient third-party certifier capacity and review and approval capacity by the EPA, especially in the first year, and so as to avoid unfairly restricting the production and sales of manufacturers who do all the things they should do and then potentially have to wait on the EPA approval, we have added a conditional, temporary approval by the EPA for room heaters subject to revised subpart AAA, as well as forced-air furnaces subject to subpart QQQQ, based on the manufacturer's submittal of a complete certification application. The application must include the full test report by an EPA-accredited

laboratory and all required compliance statements by the manufacturer. The conditional approval would allow manufacture and sales for 1 year or until EPA review of the application, whichever is earlier. Within 1 year, the manufacturer must submit a certificate of conformity by a third-party certifier.

The 1-year conditional, temporary approval by the EPA does not apply to hydronic heaters because they have used third-party certifications for the voluntary program since 2008 and will continue to do so under the NSPS.

#### E. Costs and Economic Impacts

##### 1. Costs

Comments received on the proposed rule included information and opinions regarding the EPA wood heater cost estimates.<sup>8</sup> Comments ranged from criticism that the EPA overestimated costs to criticism that the EPA underestimated costs. The comments that provided data and/or analysis explaining why the commenter thought EPA had not accurately estimated the costs were most persuasive, and we have revised our cost estimates based on those detailed comments. Details of our responses to cost comments are in the RTC document and the technical cost memoranda in the docket for this final rule.

##### a. Room Heaters

For example, Washington State Department of Ecology stated that the proposal cost estimates were overestimates and that our estimates did not address input from Woodstock Soapstone Stoves, winner of the 2013 Wood Stove Decathlon, which estimates that the cost of new product development is approximately \$200,000, and furthermore that the proposal cost estimates did not address the economies manufacturers realize when they develop functionally identical models from the originally certified model.<sup>9</sup> Some other commenters generally stated that EPA's breakdown of cost estimates faced by manufacturers is inaccurately low. We have considered all the comments and have revised our cost estimates based on comments that provided additional detailed cost data.

Prior to proposal, we heard various estimates of the costs to bring a wood heater from concept to completion, from

\$200,000 for a single model to \$1,360,000 for a 4-firebox model line. For example, a *Hearth and Home* article estimated the total cost to bring a model from conception to market as \$645,000 to \$750,000 for steel stoves and over \$1 million for cast-iron, enameled wood stoves. The authors indicated that costs would decrease for separate models in the same line by up to 25 percent. Based on this information, we estimated that a 4-model steel line would cost up to \$328,125 per model to develop. These costs include marketing, design, developing first generation, second generation and prototype units; NSPS and safety testing, equipment tooling, etc.<sup>10</sup> Two other manufacturers also provided estimated development costs for a 4-box model line, and based on that information at proposal we estimated average costs to develop a new model line, including testing with both crib wood and cord wood and reporting and recordkeeping, of \$356,250 for certified wood stoves and pellet stoves. We also estimated \$356,250 for single burn rate stoves, forced-air furnaces and hydronic heaters.

The Hearth Patio and Barbecue Association (HPBA) provided detailed estimates of adjustable burn rate wood stoves and hydronic heater model development costs. According to HPBA, the proposal cost estimates are deficient because they do not reflect specific emission rates or emission performances. Their detailed wood stove cost estimates are located in Attachment 2 of the HPBA comments and were prepared by National Economic Research Associates (NERA) Economic Consulting (May 2014).<sup>11</sup> Appendix A of the document, Woodstove Cost Modeling (prepared by Ferguson, Andors & Company) contains the detailed cost estimates we reviewed and adapted for this analysis.<sup>12</sup>

The Ferguson analysis provides cost estimates for four categories of emission reductions based on the proposed emission levels, consisting of modifying 7.5 g/hr stoves to comply with a new 4.5 g/hr emission limit, modifying the 4.5 g/hr stoves to comply with new emission limits of 2.5 g/hr or 1.3 g/hr stoves, and

<sup>10</sup> James E. Houck and Paul Tiegs. *There's a Freight Train Comin'*. *Hearth and Home*. December 2009.

<sup>11</sup> Comment on the proposed rule to Docket EPA-HQ-OAR-2009-0734 from the Hearth, Patio and Barbecue Association available at <http://www.regulations.gov/#/documentDetail;D=EPA-HQ-OAR-2009-0734-1643>.

<sup>12</sup> Ferguson, Robert (Ferguson, Andors & Company), prepared for the Hearth, Patio & Barbecue Association. Proposed Wood Heater NSPS Incremental Cost Effectiveness Analyses, Appendix A: Woodstove Cost Modeling. May 2014. p.1.

<sup>8</sup> Comments on the proposed NSPS are available electronically through <http://www.regulations.gov> by searching Docket ID EPA-HQ-OAR-2009-0734.

<sup>9</sup> Comment on the proposed rule to Docket EPA-HQ-OAR-2009-0734 from the Washington State Department of Ecology; available at <http://www.regulations.gov/#/documentDetail;D=EPA-HQ-OAR-2009-0734-1397>.



modifying a 2.5 g/hr stove to a new emission limit of 1.3 g/hr. The resulting cost components consisted of capital costs per model (R&D, engineering labor, tooling, equipment integration, preliminary testing, and other costs to design and manufacture the modified wood stove model) and other fixed costs per model (certification testing and safety testing, roll-out of the modified products including store display models and burn programs, brochures, user manuals, training and product discounts). The mid-point capital costs presented by Ferguson range from \$281,725 to \$532,050 depending on the emission reduction range.<sup>13</sup>

As discussed earlier in section III.A, unlike the proposed rule, the final subpart AAA rule only contains a Step 1 PM emission limit of 4.5 g/hr and a Step 2 PM emission limit of 2.0 g/hr, with no alternative, three-step emission limits. The comments overwhelmingly indicated that the three-step emission limit approach was inferior not only environmentally but also economically because it would, in effect, require many small manufacturers to engage in two rounds of R&D rather than one in order to obtain the same eventual endpoint.

The Step 1 cost for 7.5 to 4.5 g/hr is a reasonable representation of model development costs for all models subject to subpart AAA, with some exceptions, described below. The Ferguson analysis shows that several of the cost components are identical across scenarios. The analysis claims, however, that other cost components vary according to the specified emission reduction scenario. These differences were not supported in the comments. For purposes of this analysis, we used the 7.5 to 4.5 g/hr scenario as a baseline case and modified it to reflect the deletion of cost categories that were inappropriate for the NSPS analyses, *e.g.*, costs for trips to industry trade shows that would occur for all products regardless of the NSPS.

We did accept the assumptions and logic related to evaluating the tooling cost difference between steel stoves and cast iron stoves, as both are commonly manufactured. Like Ferguson, we used an average of their tooling costs to reflect product differences, even though this may overestimate the number of cast iron stoves in the market place. While we recognize the range in capital cost estimates provided both prior to and after proposal of the draft standards

leave room for additional cost scenarios, especially the much lower cost scenario for Woodstock Soapstone Stoves, the Ferguson costs represent the best documented cost ranges and cost categories available at this time.

For the final cost analysis, we used the mean wood stove costs. For our analyses, these model development costs represent feasible costs for adjustable burn rate stoves and pellet stoves. For single burn rate stoves, as we did at proposal, the analyses reflect that additional R&D may be required to bring these stoves to qualifying levels. Rather than doubling the total model development costs during the first 2 years as we did at proposal, the new costs for the R&D/Engineering cost portion of the total costs are doubled in the first 2 years, with “normal” model development proceeding thereafter.

Details of our responses to cost comments are in the RTC document and the technical and cost memoranda in the docket for this final rule.

#### b. Central Heaters

At proposal, our analyses reflected that hydronic heaters and forced-air furnaces would face the same model development costs as room heaters. Some commenters objected to this characterization, particularly based on the detailed hydronic heater cost estimates located in Attachment 3 of the HPBA comments as prepared by NERA Economic Consulting (May 2014).<sup>14</sup> Appendix A of that document, Hydronic Heater Cost Modeling (prepared by Ferguson, Andors & Company) contains the detailed cost estimates we reviewed and adapted for this analysis.

The HPBA costs for hydronic heaters were prepared with the same methodology and overall assumptions as they used in development of the wood heater costs. The Ferguson analysis provides cost estimates for four categories of hydronic heater emission reductions, based on the proposed emission levels consisting of modifying uncontrolled heaters to comply with a new 0.32 lb/mmBtu emission limit, modifying the 0.32 lb/mmBtu heaters to comply with new emission limits of 0.15 or 0.06 lb/mmBtu, and modifying a 0.15 lb/mmBtu heater to a new emission limit of 0.06 lb/mmBtu. The resulting cost components consisted of capital costs per model (R&D, engineering labor, tooling, equipment integration, preliminary testing, and other costs to design and manufacture

the modified wood stove model) and other fixed costs per model (certification testing and safety testing, roll-out of the modified products including store display models and burn programs, brochures, user manuals, training and product discounts). The mid-point capital costs presented by Ferguson range from \$1,743,750 to \$2,162,300 depending on the emission reduction range.<sup>15</sup> We used these cost estimates in our analysis.

As discussed earlier in section III.A, unlike the proposed rule, the final rule contains a Step 1 PM emission limit of 0.32 lb/mmBtu and a Step 2 PM emission limit of 0.10 lb/mmBtu, with no alternative three-step PM emission limits. The comments overwhelmingly indicated that the three-step PM emission limit approach was inferior not only environmentally but also economically because it would, in effect, require many small manufacturers to engage in two rounds of R&D rather than one in order to obtain the same eventual endpoint.

The Step 1 PM emission limit cost for modifying uncontrolled heaters to comply with 0.32 lb/mmBtu is a reasonable representation of model development costs for all models subject to subpart QQQQ, with some exceptions, described below. The Ferguson analysis shows that several of the cost components are identical across scenarios. The analysis claims that other cost components vary according to the specified emission reduction scenario; however, no support was provided for these claims in the Ferguson analysis. For purposes of our analysis, we used the scenario of uncontrolled to 0.32 lb/mmBtu as a baseline case and modified it to reflect the deletion of cost categories that were inappropriate for the NSPS impact analyses, *e.g.*, costs for trips to industry trade shows that would occur for all products regardless of the NSPS.

For our final rule cost analysis, we used the mean hydronic heater costs estimated in Table 5–2 of the final RIA. These model development costs represent feasible costs for hydronic heaters. For forced-air furnaces, as we did at proposal, our analysis included the additional R&D that may be required to bring these heaters to qualifying levels. Rather than doubling total model development costs during the first 2 years as we did at proposal, for the final rule analysis the R&D/Engineering cost portion of the total costs are doubled in

<sup>13</sup> Ferguson, Robert (Ferguson, Andors & Company), prepared for the Hearth, Patio & Barbecue Association. Proposed Wood Heater NSPS Incremental Cost Effectiveness Analyses, Appendix A: Woodstove Cost Modeling. May 2014. pp. 4–5.

<sup>14</sup> Comment on the proposed rule to Docket EPA-HQ-OAR-2009-0734 from the HPBA available at <http://www.regulations.gov/#/documentDetail;D=EPA-HQ-OAR-2009-0734-1643>.

<sup>15</sup> Ferguson, Robert (Ferguson, Andors & Company), prepared for HPBA. Proposed Wood Heater NSPS Incremental Cost Effectiveness Analyses, Appendix A: Hydronic Heater Cost Modeling. May 2014. p. 4.



the first 2 years, with “normal” model development proceeding thereafter.

Details of our responses to cost comments are in the RTC document and the technical and cost memoranda in the docket for this final rule.

## 2. Economic Impacts

As discussed in detail in the RIA and summarized in section D.1 above, we received numerous comments on the costs, and we have adjusted our cost estimates as appropriate. Since the economic impacts are based on the costs and other factors, we have adjusted the economic impacts accordingly. The details of the adjustments are in the RIA, and a summary is in sections IV.C and VI of this preamble.

## F. Test Methods

### 1. Crib Wood vs. Cord Wood

We received a full range of comments on this issue, from complete support for the proposed cord wood testing requirements to complete opposition to requiring cord wood testing at this time. We considered all comments and focused on those that discussed the data in detail. As discussed earlier in section IV, based on the data and comments submitted, we have determined that it is premature to require a cord wood-based Step 2 PM emission limit at this time (except for forced-air furnaces for which CSA B415.1–10 already specifies cord wood as the test fuel). Rather, we are basing the Step 2 PM emission limit on crib wood testing and including an alternative compliance option to meet an emission limit based on cord wood testing, to encourage manufacturers to certify with cord wood as soon as possible to provide consumers with better information for their actual in-home-use performance. There are some manufacturers that already achieve the cord wood emission level and we expect that many more manufacturers will take this option and submit data that will inform development of a required cord wood certification test in a future rulemaking.

Based on the existence of a viable draft cord wood test method and the expectation at proposal that the ASTM test methods for cord wood would be complete soon after proposal and that significant testing of wood heaters returned to perform well on cord wood would occur before promulgation of this final rule, the EPA proposed to require testing only with cord wood for compliance with Step 2 emissions limits. We still encourage manufacturers to design wood heaters that best represent actual in-home-use performance on cord wood. However,

the ASTM cord wood test methods have not been completed and only limited testing using the draft methods has occurred. For the cord wood alternative compliance option, we will consider approval of requested test methods on a case-by-case basis. We believe the current draft ASTM test methods are sufficient to be used, upon request, for the cord wood alternative compliance option until better test methods can be developed. We will also be receptive to other alternative test method requests that are adequately demonstrated, ideally according to the EPA Method 301 validation procedures. (Note that forced-air furnaces are tested according to the cord wood test method already specified in CSA B415.1–10.

### 2. Compliance for Individual Burn Rates Versus Weighted Averages

We received a full range of comments on this issue, from complete support for the proposed Step 2 compliance for individual burn rates to using only the weighted averages similar to the 1988 NSPS. We considered all comments and focused on those that discussed the data in detail. As mentioned earlier in section IV, based on the data and comments submitted, we have determined that the final rule will require weighted averages for Step 2 in subpart AAA and individual burn rates for Step 2 in subpart QQQQ.

For subpart AAA Step 2 emission limits, we proposed to require certification compliance at the lowest burn rate (Category 1) and the maximum burn rate (Category 4) rather than the weighted average of the four burn rates, which was required in the 1988 rule. Many comments on the proposal and the data in the NODA strongly supported the proposed compliance determinations per individual burn rates. Many other comments strongly opposed the proposal. Considering all of the comments and focusing on the available test data, especially the EPA wood stove certification test data by burn rate that we included in the July 1, 2014 NODA, we are requiring certification calculations based on the weighted average of the four burn rates for subpart AAA. As discussed earlier in section V.A, the data show that for weighted averages, 18 percent of noncatalytic stoves (that represent over 80 percent of the market) achieve 2.0 g/hr. However, on an individual burn rate basis, only 6 percent (7 of 110 stoves) achieve 2.0 g/hr, a relatively small percentage of wood stoves manufactured today. This supports our decision that a Step 2 limit of 2.0 g/hr, based on a weighted average of the multiple burn rates, better represents

BSER for wood stoves/heaters subject to revised subpart AAA, compared to a Step 2 limit based on individual burn rates.

For subpart QQQQ, the final rule retains the proposed Step 1 g/hr emission cap for all burn rates (for hydronic heaters) and the Step 2 requirement for lb/mmBtu compliance at each burn rate (for both hydronic heaters and forced-air furnaces) given concerns about the sometimes very large emissions at individual burn rates. The emission limits reflect the data available. For a more detailed discussion of these comments and responses, see the RTC document in the docket for this rule.

### 3. National Technology Transfer and Advancement Act (NTTAA)

We received a full range of comments on this issue, from complete support to adamant disagreement with our determinations under the NTTAA at proposal that some portions of some of the ASTM test methods were not applicable or impractical for this rule because they did not achieve the Agency’s mission, goals and objectives. (The NTTAA directs agencies to use voluntary consensus standards whenever applicable methods are available unless they are impractical.) As discussed in the proposal preamble in section VI.I, the rule incorporates some voluntary consensus standards (VCS) by reference, including some ASTM methods and CSA B415.1–10. We could not use some ASTM test methods and other VCS because they were not applicable. That is, the inapplicable VCS did not fully achieve the intent of this rule or the primary mission of the Agency and many tribes, states and local agencies to protect human health and the environment.

Some comments claimed that the EPA cannot take portions of VCS but rather must only use the whole VCS. That position is inconsistent with the intent of the NTTAA goal for reducing duplication of effort. That is, using valuable portions of VCS helps reduce potential duplicative efforts.

Some comments suggested that because the EPA unofficial participants (the EPA employees who were not ASTM members but participated in some of the calls) in certain ASTM test method development efforts did not submit official negatives on the standard, that somehow that meant that the EPA approved all of the details of the draft ASTM test methods. The EPA participants often expressed that the draft test methods were not fully applicable to the needs of the EPA and states; but since the draft test methods

may meet some of the immediate needs of the industry participants, the EPA did not want to stop the ASTM efforts to develop improved drafts. Further, the NTTAA guidance explicitly states that Agency participation does not indicate Agency approval or endorsement.

#### 4. Real World, Cold Starts, Cycling, Moisture, Heat Demand

Many comments indicated a critical need for test methods that reflect the “real world” with cord wood, cold starts, cycling, moisture, heat demand and shorter averaging periods.

We strongly agree, and we will consider alternative cord wood test method requests on a case-by-case basis until we are convinced that improved test methods have been sufficiently demonstrated that they can be relied upon for regulatory purposes. Additionally, we expect that within the next few years we will receive enough “real world” cord wood test data for the EPA to establish revised certification requirements based on those test data.

#### G. Health Effects and Benefits

A more detailed summary of the comments is in the RTC document in the docket.

##### 1. Additional Health Outcomes

Several comments suggested that the EPA should expand its assessment of health benefits.

The RIA includes all possible health impacts related to exposure to wood combustion-related PM<sub>2.5</sub>. Table 7–1 of the RIA on human health effects of ambient PM<sub>2.5</sub> has an extensive list of the above mentioned health endpoints that were considered and monetized, including exacerbation of asthma among children. However, several were assessed qualitatively due to time and resource limitations. Table 7–2 of the RIA shows the results of the assessed health incidence reductions and related benefits from reduced PM<sub>2.5</sub> exposure associated with the proposed option.

##### 2. Additional Pollutants and Outcomes

Comments suggested that the EPA should expand its assessment to include benefits of reductions in CO and VOC and certain non-human health-related benefits including: environmental degradation; accelerated depreciation of capital; haze; contribution to anthropogenic climate change; and harm to pets and livestock.

The EPA understands that the benefits assessment in the RIA reflects only a subset of the benefits attributable to the health effects reductions associated with ambient fine particles. Limitations in data, time and resources prevented the

EPA from quantifying the impacts to, or monetizing the benefits from, several important benefits categories, including benefits associated with the potential exposure to ozone formation due to VOC emissions as a precursor, VOC emissions as a PM<sub>2.5</sub> precursor, CO, as well as ecosystem effects, and visibility impairment due to the absence of air quality modeling data for these pollutants among others in this analysis. However, the EPA provided an extensive qualitative assessment of those benefits. The EPA realizes that the benefits presented are an underestimate of the overall benefits resulting from this rule and that these reductions will help with ozone and PM planning.

##### 3. Additional Benefits of Reducing Greenhouse Gases

Comments suggested that we expand the benefits analyses to include the benefits of reducing greenhouse gases.

The EPA agrees that there will be added benefits from assessing impacts of emission reductions of carbon dioxide (CO<sub>2</sub>), methane and black carbon. While we know that these emissions will be reduced along with the reductions of PM emission and the increases in efficiency of the affected heaters, we do not have robust emissions test data to make quantitative benefits analysis on climate change at this time.

One commenter referred to the interagency Social Cost of Carbon (SCC) estimates. The comment suggested that (1) EPA should use SCC to reflect the monetized CO<sub>2</sub> impacts of the proposed rule in the RIA; and (2) EPA should use the SCC estimates published in 2010 instead of the updated SCC estimates published in 2013 because the updated estimates have not been subject to public comment. The SCC represents the monetized net damages of incremental changes in the amount of CO<sub>2</sub> emissions in a given year. Given that CO<sub>2</sub> impacts of the proposed rule were not analyzed, the SCC estimates were not used in the RIA.

##### 4. Uncertainty of “Value per Statistical Life”

Commenters stated that the EPA’s use of the Value per Statistical Life (VSL)—that is, the monetized value attributable to mortality reduction—is a source of uncertainty.

While the Agency is updating its guidance by incorporating the most up-to-date literature and recent recommendations from the Science Advisory Board Environmental Economics Advisory Committee (SAB–EEAC), it has determined that a single, peer-reviewed estimate applied

consistently best reflects the SAB–EEAC advice until updated guidance is available. Therefore, the EPA, after consulting with the Office of Management and Budget (OMB), has decided to use the value established in the 2000 Guidelines for all the EPA actions until a revised estimate can be fully vetted.

The EPA will continue to look into approaches based on the best available science as appropriate. The EPA will continue to recommend the central estimate of \$7.4 million (\$2006), updated to the year of the analysis, be used in all benefits analyses that seek to quantify mortality risk reduction benefits regardless of the age, income, or other population characteristics of the affected population until revised guidance becomes available. This approach was vetted and endorsed by the Agency when the 2000 “Guidelines for Preparing Economic Analyses” were drafted. Although \$7.4 million (\$2006) remains EPA’s default guidance for valuing mortality risk changes, the Agency has considered and presented others and may well consider the commenter recommendation in future assessments.

We agree that there is uncertainty. Recent analyses have estimated substantial increases in life expectancy and the number of life years gained due to improved PM<sub>2.5</sub> air quality. For example, Hubbell (2006) estimated that reducing exposure to PM<sub>2.5</sub> from air pollution regulations may result in an average gain of 15 years of life for those adults prematurely dying from PM<sub>2.5</sub> exposure. In contrast, Pope et al. (2009) estimated changes in average life expectancy at birth over a 20-year period, suggesting that reducing exposure to air pollution may increase average life expectancy at birth by approximately 7 months, which was 15 percent of the overall increase in life expectancy at birth from 1980 through 2000.

##### 5. Uncertainty in the EPA Analyses Regarding the Constant Benefits-per-Ton Simplifying Assumption, Dose-Response Relationship, and Benefits Transfer Approach

Comments suggested that the relationship between pollution and human health is more complex than the EPA’s simplifying assumptions and thus more uncertain.

The EPA’s methods for quantifying health benefits of emission reductions are based on the best available peer-reviewed science and methods that have withstood scrutiny from the EPA’s independent Science Advisory Board (SAB), the National Academy of

Sciences (NRC, 2002), and continuous interagency review.

The RIA references a peer-reviewed manuscript and technical support document (TSD) that each describe the methods EPA employed to quantify the per-ton benefit of reducing fine particle levels from various sources. The air quality modeling attributed fine particle levels to residential wood heaters, holding all other sectors constant—giving us greater confidence that we have correctly characterized the air quality and health impacts attributable to this sector.

With respect to the incidence of benefits among populations living in locations already attaining the primary NAAQS, the EPA acknowledges that primary NAAQS are set at a level deemed by the EPA Administrator to be protective of public health with an adequate margin of safety. At the same time, primary NAAQS are not set at a level of zero risk and there is no known threshold below which PM<sub>2.5</sub> does not cause adverse health effects. Thus, the EPA recognizes that reducing the emissions level in those areas could still have health benefits.

Additional detail of our responses is included in the final RIA.

## VI. Summary of Environmental, Cost, Economic, and Non-Air Health and Energy Impacts

The EPA estimates the total annualized average nationwide costs associated with this rule would be \$45.7 million (\$2013) over the timeframe of 2015 through 2020. The economic impacts for industries affected by this rule over this same period, estimated as a percent of annual compliance cost to sales, range from 1.1 percent for manufacture of pellet stove models to 17.1 percent for manufacture of hydronic heater models. These impacts do not presume any pass-through of impacts to consumers. With pass-through to consumers, these impact estimates to manufacturers will decline proportionate to the degree of pass-through.

### A. What are the air quality impacts?

In section IV of the preamble to the proposed rule, we described the procedure we used to determine the air quality impacts on the industries affected by this rule. Following proposal, we revised the standards for room heaters and central heaters based on public comments. Table 6 is a summary of the revised estimated annual average emissions reductions over years 2015 through 2020 resulting from implementing the final NSPS compared to baseline conditions (for the

years analyzed in the final RIA). As in the proposal, we developed emission factors for each appliance type and then applied those emission factors to shipment data for each of the appliance types subject to the final NSPS.<sup>16</sup> We developed the emission factors using the EPA Residential Wood Combustion (RWC) emission estimation tool,<sup>17</sup> which is a Microsoft Access database that compiles nationwide RWC emissions using county-level, process-specific data and calculations. The compilation of such data is a large, important, continually improving effort by the EPA and the states to ensure that we and the states have access to the best information available. For the final rule, we used the updated version of the tool. The updated tool includes the results of a peer-reviewed emission testing study of hydronic heaters conducted by the EPA Office of Research and Development and the New York State Energy Research and Development Agency. (The study was added to the docket prior to proposal but the tool was not updated until after proposal.) The results of that study show much higher emissions for hydronic heaters at baseline than we estimated at proposal. We have used the updated emission factors because they are based on the best available scientific information. We summed the estimated nationwide number of appliances and the estimated total tons of wood burned for each of the relevant product categories in the inventory and then made some adjustments/assumptions to the baseline RWC inventory to reflect emission characteristics specific to new units. As described below, to avoid any potential for overstating baseline emissions, we went a step further and assumed that all new shipments will meet the current State of Washington Department of Ecology limits, which are approximately 40 percent less than the 1988 NSPS.

Single burn rate stoves are not included in the RWC database as separate identifiable units. For our analysis, we used the same baseline emission factor as freestanding non-certified wood stoves. We used the average tons burned per appliance factor as representative of these stoves as well.

After calculating a baseline average emission rate/appliance (or “emission inventory category”), we multiplied the total tons of wood burned for the

appliance by the RWC emission factor (adjusted as appropriate) to calculate the total tons of PM<sub>2.5</sub> emissions. We divided this value by the number of appliances in the category to calculate the baseline average PM<sub>2.5</sub> emissions per individual appliance. The next step was to develop emission factors representing the final NSPS. The timing of the NSPS emission limits used in this analysis matches the phased-in compliance dates.

For the subpart AAA analysis, we used HPBA data from their 2010 analysis that indicated that at least 90 percent (130 out of 145 catalytic, non-catalytic and pellet stoves combined) already meet the Step 1 PM emission limit. Manufacturers are expected to focus on existing models that already meet the Washington State DOE limits in order to comply with the Step 1 PM emission limit. Furthermore, certification data<sup>18</sup> indicate that 26 percent of non-catalytic and catalytic stoves combined and 70 percent of pellet stoves already meet the Step 2 PM emission limit. For our analysis, we used 26 percent of adjustable burn rate stoves and 70 percent of pellet stoves for the percentages that can already meet the Step 2 PM emission limit without intensive R&D efforts. Although previously unregulated and a less developed technology than adjustable burn rate stoves, single burn rate stove designs have been undergoing R&D in anticipation of the proposed NSPS and cleaner designs are in progress.

For the subpart QQQQ analysis for hydronic heaters, we note that the Step 1 PM emission limit is the EPA “Phase 2” voluntary program lb/mmBtu weighted average emission limit is already met by 50 hydronic heater models built by U.S. manufacturers participating in the voluntary program. We also note that 19 additional qualification tests have been recently submitted to EPA and, if valid, all 19 will be added as Phase 2 qualified models and Step 1 NSPS certified models. The NSPS Step 2 PM emission limit is already met by 9 hydronic heater models built by U.S. manufacturers participating in the voluntary program, as well as over 100 European models per test method EN 303–05 and over 20 pellet boilers (U.S. and European) that have been qualified in the RHNY program. Data indicate that at least 18 percent of current hydronic heater model designs can meet the Step 2 emission limit without intensive R&D efforts.

<sup>16</sup> Memo to USEPA from EC/R, Inc. Estimated Emissions from Wood Heaters. January 2015.

<sup>17</sup> Emission factors are based on EPA’s Residential Wood Combustion Tool version 4.1 with updates from the 2012 EPA report (Gullett et al. Environmental, Energy Market, and Health Characterization of Wood-Fired Hydronic Heater, Final Report, June 2012).

<sup>18</sup> Memo to USEPA from EC/R, Inc. Derivation of wood heater model percentages meeting Step 2 standards. November 2014.

For the subpart QQQQ analysis for forced-air furnaces, we note that the Step 1 PM emission limit is based on test data from certifications under the Canadian standard B415.1–10 (circa 2010) and conversations with industry regarding cleaner forced-air furnace models currently being tested in R&D. As discussed earlier in this preamble, forced-air furnace designs able to meet the Step 2 limit are based on technology transferred from hydronic heater designs and/or wood stove designs.

Next we used data in the Frost & Sullivan Market (F&S) report<sup>19</sup> on 2008 shipments by product category, and F&S revenue forecasts which incorporated the weak economy in years 2009 and 2010, to calculate the reduced number of shipments in years 2009 and 2010. Forced-air furnaces were outside the scope of the F&S report. Instead, we used manufacturer estimates of total industry sales in 2008 and applied the F&S market factors to estimate shipments through 2010. The F&S wood stove numbers included both certified and non-certified stoves, so we estimated numbers of non-certified stove shipments out of the total reported wood stove category (*i.e.*, 40,000 single burn rate stoves shipped in 2008). These shipments were deleted from the total wood stove category shipments. We expanded the 2008 single burn rate estimate using the F&S factors.

For years 2011 through 2029, estimated shipments are generally based on a forecasted revenue growth rate of 2.0 percent, in keeping with the average annual growth in real U.S. GDP predicted by the Conference Board.<sup>20</sup> Historically wood heater shipments have most closely corresponded to GDP, housing starts, and price of wood relative to natural gas. The overall trend in the projection is reasonable in the absence of additional specific shipment projections. We did not change the relative percentages of one type of residential wood heater versus other types of residential wood heaters over this time period. The only exceptions to the use of a 2.0 percent U.S. GDP-based growth rate are for years 2012 and 2018, in which we used industry estimates for hydronic heater and wood stove shipments, respectively. For year 2012, an HPBA consultant estimated there were 13,100 baseline hydronic heater sales.<sup>21</sup> For year 2018, the same HPBA consultant projected there to be 100,000 wood stove sales.<sup>22</sup> We adjusted our estimated shipment data accordingly.

Our cost effectiveness analysis (CE) is based on industry data that show that a given model design will often be sold for approximately 10 years before being redesigned (a 10-year “model design lifespan”) and that each individual stove will be used for 20 years before it is replaced in a residence (a 20-year

“use/emitting appliance lifespan”). These time periods were used to best characterize the actual model design and use lifespans. For proposal, we used a 20-year model design lifespan because many models developed for the 1988 NSPS are still being sold (after 25 years), with many “new” models retaining the same internal working parts with merely exterior cosmetic changes. In response to comments on the proposed rule,<sup>23</sup> however, in which some industry representatives commented that a shorter model lifespan is more typical, and provided data for models for several manufacturers, we reduced the model design lifespan to 10 years for this analysis. Regarding the emitting lifespan of the appliance, most wood heaters in consumer homes emit for at least 20 years and often much longer. Therefore, our CE analysis tracks shipments through year 2029 (using a 10-year design life for a model meeting the Step 2 emission limit in year 2020) and emissions through year 2048 (using a 20-year emitting life for an appliance shipped in year 2029).

Table 6 is a summary of the average emissions reductions over years 2015 through 2020 resulting from implementing the NSPS compared to baseline conditions (for the years analyzed in the RIA).

TABLE 6—ESTIMATED ANNUAL AVERAGE (2015–2020) AIR QUALITY IMPACTS<sup>24</sup>

Appliance type	PM <sub>2.5</sub> (tons)			VOC (tons)			CO (tons)		
	Baseline	Revised NSPS	Emission reduction	Baseline	Revised NSPS	Emission reduction	Baseline	Revised NSPS	Emission reduction
Wood Heaters .....	422	388	34	601	554	47	6,048	5,528	520
Single Burn Rate Heaters .....	922	238	684	1,597	326	1,271	6,954	3,830	3,124
Pellet Heaters/Stoves .....	59	53	6	1	1	0	307	277	30
Furnace: Indoor, Cord Wood .....	6,984	2,944	4,040	7,355	3,101	4,254	39,285	16,561	22,724
Hydronic Heating Systems .....	3,844	338	3,506	4,048	356	3,692	21,623	1,902	19,721
Total .....	12,231	3,962	8,269	13,602	4,337	9,265	74,218	28,099	46,119

**Note:** This table only includes the emissions during the first year of the life of each wood heater. That is, this table does not include the emissions that continue for the duration of the lifetime of each appliance's use, typically greater than 20 years. The EPA acknowledges that this is an underestimate of the actual total emission impacts but this table is provided to allow comparisons on a first year basis.

Minor discrepancies are due to rounding.

<sup>19</sup> Market Research and Report on North American Residential Wood Heaters, Fireplaces, and Hearth Heating Products Market. Prepared by Frost & Sullivan. April 26, 2010. P. 31–32.

<sup>20</sup> Global Economic Outlook 2014, projections prepared by the Conference Board, May 2014 update; <http://www.conference-board.org/data/globaloutlook.cfm>.

<sup>21</sup> Cost-Effectiveness Analysis of Alternative Hydronic Heater New Source Performance Standards, prepared for the Hearth, Patio, and Barbecue Association by NERA Economic Consulting, May 2014. (Attachment 3 of HPBA's comment to the Docket EPA–HQ–OAR–2009–0734).

<sup>22</sup> Cost-Effectiveness Analysis of Alternative Woodstove New Source Performance Standards,

prepared for the HPBA by NERA Economic Consulting, May 2014. (Attachment 2 of HPBA's comment to Docket EPA–HQ–OAR–2009–0734).

<sup>23</sup> Comments on the proposed NSPS are available electronically through <http://www.regulations.gov> by searching Docket IDs EPA–HQ–OAR–2009–0734.

### B. What are the benefits?

Emission reductions associated with the requirements of this rule will generate substantial health benefits by reducing emissions of PM<sub>2.5</sub>, HAPs, as well as criteria pollutants and their precursors, including CO and VOC. VOC are precursors to PM<sub>2.5</sub> and ozone. For this rule, we were only able to quantify the monetized health co-benefits associated with reduced exposure from directly emitted PM<sub>2.5</sub>.

Our benefits reflect the average of annual PM<sub>2.5</sub> emission reductions occurring between 2015 and 2020 (inclusive). We estimate the monetized PM<sub>2.5</sub>-related health benefits of the residential wood heaters NSPS in the 2015–2020 timeframe to be \$3.4 billion to \$7.6 billion (2013 dollars) at a 3-percent discount rate and \$3.1 billion to \$6.9 billion (2013 dollars) at a 7-percent discount rate. (These estimates are greater than the estimates at proposal because the emission reduction

estimates are greater, as discussed in section VI.A of this preamble and the RIA.) Using alternate relationships between PM<sub>2.5</sub> and premature mortality supplied by experts, higher and lower benefits estimates are plausible, but most of the expert-based estimates fall between these two estimates.<sup>25</sup> A summary of the emission reduction and monetized benefits estimates for this rule at discount rates of 3 percent and 7 percent is in Table 7 of this preamble.

TABLE 7—SUMMARY OF MONETIZED PM<sub>2.5</sub>-RELATED HEALTH BENEFITS FOR PROPOSED RESIDENTIAL WOOD HEATERS NSPS IN 2015–2020 TIMEFRAME

[millions of 2013 dollars]<sup>a b c</sup>

Pollutant	Estimated emission reductions (tpy)	Total monetized benefits (3% discount rate)	Total monetized benefits (7% discount rate)
Directly emitted PM <sub>2.5</sub> .....	8,269	\$3,400 to \$7,600	\$3,100 to \$6,900
<b>PM<sub>2.5</sub> Precursors</b>			
VOC .....	9,265		

<sup>a</sup> All estimates are for the 2015–2020 timeframe (inclusive) and are rounded to two significant figures so numbers may not sum across rows. The total monetized benefits reflect the human health benefits associated with reducing exposure to PM<sub>2.5</sub> through reductions of PM<sub>2.5</sub> precursors, such as NO<sub>x</sub>, and directly emitted PM<sub>2.5</sub>. It is important to note that the monetized benefits do not include reduced health effects from exposure to HAP, direct exposure to NO<sub>2</sub>, exposure to ozone, VOC, ecosystem effects, effects from black carbon or visibility impairment.

<sup>b</sup> PM benefits are shown as a range from Krewski, *et al.* (2009) to Lepeule, *et al.* (2012).

<sup>c</sup> These models assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality because the scientific evidence is not yet sufficient to allow differentiation of effects estimates by particle type.

These benefit estimates represent the monetized human health benefits for populations exposed to less PM<sub>2.5</sub> from emission limits established to reduce air pollutants in order to meet this rule. Due to analytical limitations, it was not possible to conduct air quality modeling for this rule. Instead, we used a “benefit-per-ton” approach to estimate the benefits of this rulemaking. To create the benefit-per-ton estimates, this approach uses a model to convert emissions of PM<sub>2.5</sub> precursors into changes in ambient PM<sub>2.5</sub> levels and another model to estimate the changes in human health associated with that change in air quality, which are then divided by the emissions in specific sectors. These benefit-per-ton estimates were derived using the approach published in Fann, *et al.*, (2012),<sup>26</sup> but they have since been updated to reflect these studies and population data in the

2012 p.m. NAAQS RIA.<sup>27</sup> Specifically, we multiplied the benefit-per-ton estimates from the “Residential Wood Heaters” category by the corresponding emission reductions.<sup>28</sup> All national-average benefit-per-ton estimates reflect the geographic distribution of the modeled air quality. The air quality modeling may not reflect the local variability in population density, meteorology, exposure, baseline health incidence rates, or other local factors for any specific location. More information regarding the derivation of the benefit-per-ton estimates for this category is available in the technical support document, which is referenced in footnote 26 and is available in the docket.

These models assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality because the

scientific evidence is not yet sufficient to allow differentiation of effects estimates by particle type. Even though we assume that all fine particles have equivalent health effects, the benefit-per-ton estimates vary between precursors depending on the location and magnitude of their impact on PM<sub>2.5</sub> levels, which drive population exposure.

It is important to note that the magnitude of the PM<sub>2.5</sub> benefits is largely driven by the concentration response function for premature mortality. We cite two key empirical studies, one based on the American Cancer Society cohort study<sup>29</sup> and the extended Six Cities cohort study.<sup>30</sup> In the RIA for this rule, which is available in the docket, we also include benefits estimates derived from expert judgments (Roman *et al.*, 2008) as a characterization of uncertainty

<sup>24</sup> Memo to USEPA from EC/R, Inc. Estimated Emissions from Wood Heaters. January 2015.

<sup>25</sup> Roman, *et al.*, 2008. “Expert Judgment Assessment of the Mortality Impact of Changes in Ambient Fine Particulate Matter in the U.S.,” *Environ. Sci. Technol.*, 42, 7, 2268–2274.

<sup>26</sup> Fann, N., K.R. Baker, and C.M. Fulcher. 2012. “Characterizing the PM<sub>2.5</sub>-related health benefits of emission reductions for 17 industrial, area and mobile emission sectors across the U.S.” *Environment International* 49 41–151.

<sup>27</sup> U.S. Environmental Protection Agency (U.S. EPA). *Regulatory Impact Analysis for the Final Revisions to the National Ambient Air Quality Standards for Particulate Matter*. EPA-452/R-12-003. Office of Air Quality Planning and Standards, Health and Environmental Impacts Division. December 2012. Available at <http://www.epa.gov/pm/2012/finalria.pdf>.

<sup>28</sup> U.S. Environmental Protection Agency. Technical support document: Estimating the benefit per ton of reducing PM<sub>2.5</sub> precursors from 17 sectors. Research Triangle Park, NC. January 2013.

<sup>29</sup> Krewski, C.A., III, R.T. Burnett, M.J. Thun, E.E. Calle, D. Krewski, K. Ito, and G.D. Thurston. 2002. “Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution.” *Journal of the American Medical Association* 287:1132–1141.

<sup>30</sup> Lepeule J, Laden F, Dockery D, Schwartz J. 2012. “Chronic Exposure to Fine Particles and Mortality: An Extended Follow-Up of the Harvard Six Cities Study from 1974 to 2009.” *Environ Health Perspect.* Jul;120(7):965–70.

regarding the PM<sub>2.5</sub>-mortality relationship.

Considering a substantial body of published scientific literature, reflecting thousands of epidemiology, toxicology, and clinical studies, the EPA's Integrated Science Assessment for Particulate Matter<sup>31</sup> documents the association between elevated PM<sub>2.5</sub> concentrations and adverse health effects, including increased premature mortality. This assessment, which was reviewed twice by the EPA's independent Clean Air Scientific Advisory Committee, concluded that the scientific literature consistently finds that a no-threshold model most adequately portrays the PM-mortality concentration-response relationship. Therefore, in this analysis, the EPA assumes that the health impact function for fine particles is without a threshold.

In general, we are more confident in the magnitude of the risks we estimate from simulated PM<sub>2.5</sub> concentrations that coincide with the bulk of the observed PM concentrations in the epidemiological studies that are used to estimate the benefits. Likewise, we are less confident in the risk we estimate from simulated PM<sub>2.5</sub> concentrations that fall below the bulk of the observed data in these studies. Concentration benchmark analyses [e.g., lowest measured level (LML) or one standard deviation below the mean of the air quality data in the study] allow readers to determine the portion of population exposed to annual mean PM<sub>2.5</sub> levels at or above different concentrations, which provides some insight into the level of uncertainty in the estimated PM<sub>2.5</sub> mortality benefits. There are uncertainties inherent in identifying any particular point at which our confidence in reported associations becomes appreciably less, and the scientific evidence provides no clear dividing line. However, the EPA does not view these concentration benchmarks as a concentration threshold below which we would not quantify health benefits of air quality improvements.

For this analysis, policy-specific air quality data are not available. Thus, we are unable to estimate the percentage of premature mortality associated with this specific rule's emission reductions at each PM<sub>2.5</sub> level. As a surrogate measure of mortality impacts, we provide the percentage of the population exposed at each PM<sub>2.5</sub> level using the source

apportionment modeling used to calculate the benefit-per-ton estimates for this sector. Using the Krewski, *et al.*, (2009) study, 93 percent of the population is exposed to annual mean PM<sub>2.5</sub> levels at or above the LML of 5.8 µg/m<sup>3</sup>. Using the Lepeule, *et al.*, (2012) study, 67 percent of the population is exposed above the LML of 8 µg/m<sup>3</sup>. It is important to note that baseline exposure is only one parameter in the health impact function, along with baseline incidence rates, population, and change in air quality. Therefore, caution is warranted when interpreting the LML assessment for this rule.

Every benefit analysis examining the potential effects of a change in environmental protection requirements is limited, to some extent, by data gaps, model capabilities (such as geographic coverage) and uncertainties in the underlying scientific and economic studies used to configure the benefit and cost models. Despite these uncertainties, the benefit analysis for this rule provides a reasonable indication of the expected health benefits of the rulemaking under a set of reasonable estimations.

One should note that the monetized benefits estimates provided above do not include benefits from several important benefit categories, including exposure to HAP, VOC and ozone exposure, as well as ecosystem effects, visibility impairment and greenhouse gas impacts. Although we do not have sufficient information or modeling available to provide monetized estimates for these benefits in this rule, we include a qualitative assessment of these unquantified benefits in the RIA<sup>32</sup> for this final rule.

For more information on the benefits analysis, please refer to the RIA for this rule, which is available in the docket.

### C. What are the cost impacts?

In analyzing the potential cost impacts of the NSPS, we considered two types of impacts. The first was the impact to the manufacturer to comply with the proposed standards. The second was the increase in price of the affected unit. In both of these cases, we considered the same input variables: Research and development (R&D) cost to develop and certify complying model lines, certification costs (where these are separate from R&D), reporting and recordkeeping costs, numbers of shipments of each appliance category (modified, from Frost & Sullivan report), number of manufacturers, and number of models per manufacturer. This

section of the preamble contains a summary of these costs. For more detailed information, see the manufacturer cost impact memo<sup>33</sup> and unit cost memo<sup>34</sup> in the docket. Unless otherwise specified, all costs are in 2013 dollars.

As discussed in detail in section IV.C, we reviewed information provided by HPBA and manufacturers. Based on this information, we estimated<sup>35</sup> average costs to develop a new model line. The estimates of the cost of R&D are crucial to our estimates of overall costs and economic impacts and greatly influence our decisions on BSER and implementation lead times. We annualized the R&D costs over 6 years, applied the NSPS implementation assumptions, and estimated the average manufacturing cost per model line per manufacturer.

The estimate of the number of model types was derived from information provided by HPBA, individual manufacturers, and Internet searches of product offerings. For numbers of manufacturers, we started with HPBA data and modified the dataset based on Internet searches of manufacturers of the major appliance types. Table 8 is a summary of the nationwide average annual NSPS-related cost increases to manufacturers. The average annual cost increases are presented over the 2015 to 2020 period consistent with the years analyzed in the RIA,<sup>36</sup> but were also analyzed over the 2015 to 2029 period. The 2015 to 2029 period encompasses the 2015 NSPS compliance year through the life span of models designed to meet the NSPS, as explained further below and in our background analyses.<sup>37</sup>

TABLE 8—SUMMARY OF NATIONWIDE AVERAGE ANNUAL COST INCREASES [2013\$]

Appliance type	2015–2020 Period
Wood Heaters .....	\$3,020,000
Single Burn Rate Heaters .....	870,000
Pellet Heaters/Stoves .....	1,520,000
Forced-Air Furnaces .....	15,360,000

<sup>33</sup> Memo to USEPA from EC/R, Inc. Residential Heater Manufacturer Cost Impacts. January 2015.

<sup>34</sup> Memo to USEPA from EC/R, Inc. Unit Cost Estimates of Residential Wood Heating Appliances. January 2015.

<sup>35</sup> In developing average R&D costs, we used the highest industry R&D estimates supplied for cost components we deemed attributable to the NSPS, in order to avoid under-estimating potential costs per model line. We also assumed no model consolidation to avoid understating the number of model lines that would undergo R&D nationwide.

<sup>36</sup> RIA for the Final Residential Wood Heaters NSPS.

<sup>37</sup> Memo to USEPA from EC/R, Inc. Residential Heater Cost Effectiveness Analysis. January 2015.

<sup>31</sup> U.S. Environmental Protection Agency (U.S. EPA). 2009. *Integrated Science Assessment for Particulate Matter (Final Report)*. EPA-600-R-08-139F. National Center for Environmental Assessment—RTP Division. December. Available on the Internet at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=216546>.

<sup>32</sup> RIA for the Final Residential Wood Heaters NSPS.

TABLE 8—SUMMARY OF NATIONWIDE AVERAGE ANNUAL COST INCREASES—Continued  
[2013\$]

Appliance type	2015–2020 Period
Hydronic Heating Systems .....	24,880,000
Total Average Annual Cost ...	45,660,000

To develop estimates of potential unit cost increases, we used major variables including the estimated number of units shipped per year, the costs to develop new models, baseline costs of models, and the schedule by which the revised NSPS would be implemented. Both the number of shipped units and the baseline costs of models (manufacturers' cost not retail price) were initially based on data from the Frost & Sullivan report with modifications to address additional appliances or subsets of appliances and industry comments as discussed in our background analyses.<sup>38</sup> We also estimated the potential additional manufacturing costs to make NSPS complying models. These expenses result from the use of more expensive structural materials, components to enhance good combustion, etc. We estimated the following additional manufacturing costs per unit based on appliance type:

- Certified wood stoves and pellet stoves represent a well-developed

technology and we could not identify price differences between models with lower emission levels compared to models with higher emission levels. Some stoves with lower emission sell for less than some stoves with higher emissions and vice versa. Therefore, we have assumed no additional manufacturing costs.

- One manufacturer estimated that it will cost an average of \$100 more to manufacture a lower emitting single burn rate product (exclusive of recovering R&D cost), which we updated to 2013 (\$), approximately \$110.<sup>39</sup>

- We have limited information that indicates the cost to produce a forced-air furnace that complies with a Step 1 emission limit is approximately 75 percent more, or \$1,700 (exclusive of recovering R&D cost).<sup>40</sup>

- As can be seen in hydronic heater market survey results, the prices of qualified model hydronic heaters range from \$6,995 to \$15,395, with the average retail price of \$10,193. We adjusted this value to exclude the 25 percent retail markup, resulting in a manufacturers' cost estimate of \$8,154.<sup>41</sup> We estimated an approximate increase of \$3,200 to manufacture a qualified unit compared to an unqualified unit.

Our next step was to develop the following incremental cost formula: Cost of amortized R&D multiplied by number of models divided by number of units shipped per year equals the

incremental cost of developing a new unit, spread over the number of units expected to be sold during a given year in the 6-year model development period. In developing this calculation, we included the concept that the R&D costs per model line are recovered in the sales price of future models, which means that the more units that are sold, the lower the incremental cost per unit. For our unit cost analysis, we used a flat rate in shipments—that is, future shipments over the 6-year model development period would be equal to the shipments estimated in the first year of the 6-year model development period (2015). The flat rate was used because we had no basis for concluding that sales of a given model line would increase or decrease over time due to market competition with other wood heaters or non-wood heaters, changes in consumer demand, changes in the relative price for that model compared to other models or any other factors. Where there are additional manufacturing costs as discussed above, we added these to the unit cost number. Table 9 shows the change in cost to develop and manufacture a stove from baseline (before the NSPS revisions) to after the NSPS revisions are implemented. The economic impacts of these costs are discussed in section C, “*What are the economic impacts?*” More information on both the costs and economic impacts is available in the RIA.

TABLE 9—SUMMARY OF UNIT COSTS  
[Appliance prices in 2013\$]

Appliance type	Cost at baseline (2014)	Total cost during NSPS model development (2015–2020)	Incremental cost increase (to recover amortized costs)
Certified Wood Heaters .....	\$1,259	\$1,307	\$48
Single Burn Rate Heaters .....	271	410	139
Pellet Heaters/Stoves .....	1,384	1,430	46
Forced-Air Furnaces .....	974	3,225	2,251
Hydronic Heating Systems .....	4,923	10,287	5,364

More information is available in the RIA.

#### D. What are the economic impacts?

The economic impacts of the rule are estimated using industry-level estimates of annualized compliance cost to value of shipments (receipts) for affected industries. In this case, cost-to-receipts ratios approximate the maximum price increase needed for a producer to fully

recover the annualized compliance costs associated with a regulation. Essentially, the revenues to producers will likely fully cover the annualized compliance cost incurred by producers at this maximum price increase. Any price increase above the cost-to-receipts ratio provides revenues that exceed the

compliance costs. These industry level cost-to-receipts ratios can be interpreted as an average impact on potentially affected firms in these industries. Cost-to-receipts ratios for the affected product types range from 1.1 percent for pellet heaters/stoves to up to 17.1 percent for hydronic heaters. More

<sup>38</sup> Memo to USEPA from EC/R, Inc. Unit Cost Estimates of Residential Wood Heating Appliances. January 2015.

<sup>39</sup> NSPS Review and Comments. Confidential Business Information. September 2010.

<sup>40</sup> Confidential Business Information.

<sup>41</sup> Cost-Effectiveness Analysis of Alternative Hydronic Heater New Source Performance Standards. Prepared by NERA Consulting for the

Hearth, Patio and Barbecue Association. May 2014. p. 10.

information on how these impacts are estimated can be found in Chapters 5 and 6 of the RIA.

In estimating the net benefits of regulation, the appropriate cost measure is “social costs.” Social costs represent the welfare costs of the rule to society and fully represent the cost impacts regardless of whether they are ultimately borne by manufacturers or consumers. Social costs are best approximated by the compliance costs estimated for this rule. Thus, the annualized social costs are best estimated to be \$45.7 million, based on the estimate of costs to manufacturers and assuming no cost pass-through to consumers. Several comments noted that these potential price increases can often be offset by the homeowner in one or two heating seasons by the reduced cost of fuel due to the increased heating efficiencies. More information on how these social costs are estimated can be found in Chapter 5 of the RIA.

#### *E. What are the non-air quality health and energy impacts?*

These NSPS are anticipated to have no impacts or only negligible impacts on water quality or quantity, waste disposal, radiation or noise. To the extent new NSPS models are more efficient, that would lead to reduced wood consumption, thereby saving timber and preserving woodlands and vegetation for aesthetics, erosion control, carbon sequestration, and ecological needs.

It is difficult to determine the precise energy impacts that might result from this rule. On the one hand, to the extent that the NSPS wood-fueled appliance is more efficient, energy outputs per mass of wood fuel consumed will rise. However, wood-fueled appliances compete with other biomass forms as well as more traditional oil, electricity, and natural gas. Robust data are not available for us to be able to determine the potential for consumers to choose other types of fuels and their associated appliances if the consumer costs of wood-fueled appliances increase and at what level that increase would drive consumer choice. Similarly, robust data are not available for us to determine the degree to which better information on the energy efficiency of the NSPS appliances will encourage consumers to choose new wood-fueled appliances over other new appliances.

## **VII. Statutory and Executive Order Reviews**

### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is an economically significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis, “Regulatory Impact Analysis (RIA) for Residential Wood Heaters NSPS Revision, Final Report” (EPA-452/R-15-001), is available in the docket.

A summary of the monetized benefits and net benefits for the final rule at discount rates of 3 percent and 7 percent is in Table 1 of this preamble, and a more detailed discussion of the benefits is found in section IV.B of this preamble. For more information on the benefits analysis, please refer to the RIA for this rulemaking, which is available in the docket. For more information on the cost analysis, please refer to the RIA or cost memoranda prepared for this rulemaking, all of which is available in the docket.

### *B. Paperwork Reduction Act (PRA)*

The information collection requirements in the rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) documents that the EPA prepared for each subpart have been assigned the EPA ICR number 1176.12 for subpart AAA and ICR number 2442.02 for subpart QQQQ. You can find a copy of the ICR documents in the docket for this rule, and they are briefly summarized here. The new information collection requirements are not enforceable until OMB approves them.

This final rule will require manufacturers of new residential wood heating devices to submit applications for certification of model lines, to submit results of emissions tests conducted to demonstrate that the model lines would comply with the emission limits and produce certified units according to a quality control plan approved by an independent certifying body. Manufacturers must submit a notification of the initial test and biennial reports that each certified model line remains unchanged. They must also maintain records of all certification data, maintain results of quality assurance program inspections

and emissions test data, and seal and store the tested appliance.

Consistent with the current ICR for subpart AAA, we have included costs to manufacture and apply permanent labels on each applicable unit prior to sale. These labels provide important compliance information to enforcement officials and important information to consumers for purchasing appliances. The amended NSPS allows (voluntary) use of EPA temporary labels for the cleanest heaters in order to provide consumers the ability to select wood heaters that meet or exceed the Step 2 standards prior to the 2020 compliance date. This voluntary temporary label option ends upon the 2020 compliance date. Furthermore, the amended NSPS also allows (voluntary) use of temporary EPA labels to indicate wood heaters that meet Step 2 based on cord wood instead of crib wood, allowing consumers to select heaters better tuned to in-home performance. The cost of the voluntary temporary labels are not included because they are not required.

Test laboratories that want to conduct NSPS certification testing will need to apply for approval, conduct proficiency testing and report the results of all such testing. The approved laboratories must maintain records of all certification tests, proficiency tests and compliance audit test data.

The required notifications are used to inform the agency when a new model line is expected to be tested. The EPA and states may then observe the testing, if desired. Emissions test reports are needed as these are the agency’s record of a model line’s initial capability to comply with the emission limit, and serve as a record of the operating conditions under which compliance was achieved. All information submitted to the EPA for which a claim of confidentiality is made (e.g., design drawings) will be safeguarded according to the EPA regulations set forth in 40 CFR 2.201 *et seq.*, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information.

Adequate recordkeeping and reporting are necessary to ensure compliance with these standards as required by the CAA. The information collected from recordkeeping and reporting requirements is also used for prioritizing inspections and is of sufficient quality to be used as evidence in court. We have reviewed all the current requirements and have removed the portions of the recordkeeping that are not necessary.

The EPA considered how to minimize the potential ICR burdens and has incorporated several features that make a major paperwork reduction impact.



For example, the rule allows one representative heater to be tested for a model line rather than requiring every heater to be tested. The revised subpart AAA itself “deems” automatic EPA certification of heaters that have EPA certifications under the 1988 NSPS that show that they would meet the Step 1 emission limits until Step 2. That is, no additional certification is required until Step 2. Also, the new subpart QQQQ deems automatic EPA NSPS Step 1 certification for hydronic heaters with valid EPA Phase 2 qualifications under the EPA Hydronic Heater Partnership Agreement of October 12, 2011 or hydronic heaters or forced-air furnaces certified by the NYSDEC that show compliance with the Step 1 emission levels. That is, no additional certification is required until Step 2. Also, residential pellet hydronic heaters/boilers that have been qualified under the Renewable Heat New York (RHNY) program will be automatically deemed EPA certified to meet the NSPS Step 1 and no additional certification is required until Step 2 provided that they comply with the RHNY requirements for installation and operation with adequate thermal storage.

**Respondents/affected entities:** Manufacturers of new residential wood heaters and laboratories that conduct or plan to conduct wood heater certification tests.

**Respondent's obligation to respond:** Mandatory under section 111 of the CAA.

**Estimated number of respondents:** 72 respondents under subpart AAA (66 manufacturers and 6 testing laboratories); 41 respondents under subpart QQQQ (37 manufacturers and 4 testing laboratories).

**Frequency of responses:** once per model line, annually, biennially, variable and/or infrequent.

**Total estimated burden:** 2,947 labor hours (per year) under subpart AAA; 2,337 labor hours (per year) under subpart QQQQ. Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$1,716,990 (per year) under subpart AAA, includes \$1,466,440 annualized capital and operation & maintenance costs; \$3,383,100 (per year) under subpart QQQQ, includes \$3,191,200 annualized capital and operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the agency will

announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

### C. Regulatory Flexibility Act (RFA)

Pursuant to sections 603 and 609(b) of the RFA, the EPA prepared an initial regulatory flexibility analysis (IRFA) for the proposed rule and convened a Small Business Advocacy Review (SBAR) Panel to obtain advice and recommendations from small entity representatives that potentially would be subject to the rule's requirements. Summaries of the IRFA and Panel recommendations are presented in the proposed rule at 79 FR 6329.

As required by section 604 of the RFA, the EPA prepared a final regulatory flexibility analysis (FRFA) for this action. The FRFA addresses the issues raised by public comments on the IRFA for the proposed rule. The complete FRFA is available for review in the docket and is summarized here.

- **Reason Why Action Is Being Considered.** As discussed earlier in this preamble, this final rule was developed following CAA section 111(b)(1)(B) review of the existing residential wood heater NSPS, and because emissions from residential wood heaters can be a significant source of air pollution, and thus adverse health effects, in some areas.

- **Statement of Objectives and Legal Basis of Rule.** As discussed earlier in this preamble, the EPA is amending Standards of Performance for New Residential Wood Heaters and adding one new subpart, Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces. This final rule achieves several objectives, including applying updated emission limits that reflect BSER; improving coverage of the broad suite of residential wood heaters; improving the test methods; and streamlining the certification process. This final rule does not include any requirements on heaters solely fired by coal, gas or oil. This final rule does not establish new emissions limits for existing heaters. This rule was developed under the authority of CAA section 111.

- **Response to Any Comments to the Proposed Rule Filed by the Chief Counsel for Advocacy of the SBA.** The SBA's Chief Counsel for Advocacy did not file any comments to the proposed rule.

- **Description and Estimate of the Number of Small Entities.** As discussed earlier in this preamble, small entities

that the EPA anticipates being affected by this rule will include almost all manufacturers of residential wood heaters. We estimate that roughly 250–300 U.S. companies manufacture residential wood heaters.

Approximately 90 percent of these manufacturers meet the SBA small-entity definition of having fewer than 500 employees.

- **Description of reporting, recordkeeping and other compliance requirements.** The reporting and recordkeeping requirements are described in the section immediately above (B. *Paperwork Reduction Act*). As discussed there, the information collection requirements (ICR), including reporting and recordkeeping, in this rule have been submitted for approval to OMB under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* For subpart AAA, we estimated the potential annual burden averaged over the first 3 years of the ICR to be a total of 2,947 labor hours per year at a total labor cost of \$250,551 per year and an average annual labor burden per response of 12 hours. For subpart QQQQ, we estimated 2,337 labor hours per year at a total labor cost of \$191,904 per year and an average annual labor burden per response of 12 hours.

- **Description of other compliance requirements.** As described earlier in this preamble, this rule will apply updated emission limits that reflect the current best systems of emission reduction (BSER) and improve the coverage of the expanded variety of types of residential wood heaters. We estimate the NSPS's total annualized average nationwide costs will be \$45.7 million (2013\$) over the 2015 through 2020 period. The economic impacts for industries affected by this rule over this same period range from 1.1 percent for manufacture of pellet stove models to as much as 17.1 percent compliance cost-to-sales estimate for manufacture of hydronic heater models. These impacts do not presume any pass-through of impacts to consumers. With pass-through to consumers, these impact estimates to manufacturers will decline proportionate to the degree of pass-through. We estimate that small entities will have annualized costs of greater than 1 percent of their sales in all affected industries, and NAICS 442299 with receipts less than \$10 million. Those establishments in NAICS 332510, 333414 and 423720 with cost-to-receipt ratios higher than 1 percent account for 90 percent of small entities affected in these industries. Establishments in NAICS 442299 with cost-to-receipt ratios higher than 1 percent account for

99 percent of small entities affected in these industries.

- Relevant federal rules that may overlap or conflict with this rule. There are no other relevant federal rules.
- Significant alternatives. The significant alternatives to this rule, especially those that might minimize potential impacts on small entities, are presented in the remainder of this section.

As required by section 609(b) of the RFA, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the EPA also convened a Small Business Advocacy Review Panel (Panel) to obtain advice and recommendations of representatives of the small entities that potentially would be subject to the rule's requirements. The following paragraphs describe the process, the type of small entity representatives, the outreach efforts and the Panel members.

Well before beginning the formal SBREFA process, the EPA actively engaged in outreach with HPBA, MHA and PFI and many of their member companies to discuss the rule under development and to provide these contacts with an early opportunity to ask questions and discuss their concerns.<sup>42</sup> The EPA provided each small business with general information on the SBREFA process and background information on the NSPS rulemaking process and current schedule.

Based on consultations with the SBA, and resulting from solicited self-nominations, we prepared a list of 30 potential Small Entity Representatives (SERs), from residential wood heating appliance manufacturers (wood heaters, pellet heaters/stoves, hydronic heaters, forced-air furnaces and masonry heaters), other wood-burning appliance manufacturers (fireplaces, cook stoves), equipment suppliers, chimney sweeps, test laboratories, masons and trade associations. Once the official pre-Panel process began and potential SERs were identified, the EPA held an outreach meeting with the potential SERs and invited representatives from the Office of Advocacy of the Small Business Administration (OA/SBA) and the Office of Information and Regulatory Affairs within the Office of Management and Budget (OIRA/OMB) on June 29, 2010, to solicit their feedback on the upcoming proposed rulemaking. Representatives from 26 of the 30

companies and organizations that we selected as potential SERs for this SBREFA process participated in the meeting (in person and by phone). At that meeting, the EPA solicited written comments from the potential SERs, which were later summarized and shared with the Panel as part of the convening document.

The SBAR Panel convened on August 4, 2010. The Panel consisted of representatives of the EPA, OA/SBA and OIRA/OMB. The Panel held a formal outreach meeting/teleconference with the SERs on August 25, 2010. To help the SERs prepare for this meeting, on August 11, 2010, the Panel sent a list of questions, preliminary cost information and other materials to each of the SERs via email. Additional materials were emailed to the SERs on August 19, 2010. The Panel provided the opportunity for questions and comment during the meeting on various aspects of the proposal being developed, including the expanded scope of the rule, changes to the current requirements under consideration, preliminary cost information and follow up from the June 29, 2010, meeting on the SERs' ideas for regulatory flexibility. During the August 25 meeting, SERs voiced general support for the planned proposed rule and shared specific concerns with the Panel members. As a result of this meeting, the EPA received many useful verbal comments, and the EPA received many helpful written comments by September 10, 2010.

Consistent with the RFA/SBREFA requirements, the Panel evaluated the assembled materials and small-entity comments on issues related to elements of the Interim Regulatory Flexibility Analysis. A copy of the Panel final full report is included in the docket for this rule. We have attempted to follow the Panel's recommendations to the degree we can while also ensuring that the options are practicable, enforceable, environmentally sound and consistent with the CAA. For those recommendations not adopted by the EPA, we included an explanation at proposal for why we rejected them.

Further information about the panel is provided in the FRFA and the SBREFA Panel final report that are included in the docket for this rule.

In addition, the EPA is preparing a Small Entity Compliance Guide to help small entities comply with this rule. Small entities can obtain a copy of this guide at <http://www.epa.gov/rfa/compliance-guides.html> or <http://www2.epa.gov/residential-wood-heaters>. We expect the Small Entity Compliance Guide to be available by April 2015.

#### *D. Unfunded Mandates Reform Act (UMRA)*

This action does not contain any unfunded mandates of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments. The nationwide annualized average compliance cost of this rule for directly affected appliances is \$45.7 million/yr in the 2015–2020 timeframe (2013\$). Therefore, this final rule is not be subject to the requirements of sections 202 or 205 of the UMRA.

This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. The rule does not apply to such governments and will impose no obligations upon them.

#### *E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

The rule will not impose any requirements on state and local governments. Thus, Executive Order 13132 does not apply to this final rule. Although section 6 of Executive Order 13132 does not apply to this final action, the EPA did consult with representatives of state and local governments in developing this action. In the spirit of Executive Order 13132 and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA solicited comment on the proposed rule from state and local officials. We have responded to their significant comments in this preamble and in the RTC document.

#### *F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications as specified in Executive Order 13175. This rule will not impose any requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with tribal officials during the development of this action. A summary of that consultation is provided here. During

<sup>42</sup> Also, as noted in the proposal preamble in the discussion of development of the proposed hydronic heater emission limits, the EPA worked with the hydronic heater industry in 2006 to develop a voluntary partnership program to encourage manufacture of cleaner models, [www.epa.gov/burnwise/participation](http://www.epa.gov/burnwise/participation).

the development of the proposed rulemaking, the EPA conducted outreach with numerous tribal representatives to provide opportunities for input prior to development of the proposed rule. We provided information at the July 2010, National Tribal Forum/ National Tribal Air Association (NTAA) meeting in Albuquerque, New Mexico, and the November 2010, EPA Region 10 Tribal Leaders Summit in Juneau, Alaska. We also presented information on this proposed rulemaking in the April 2010, issue of Tribal Air News and during the EPA/NTAA tribal workgroup conference calls (April 2010, July 2010, August 2010, and May 2013). Specifically, we received input from the EPA/NTAA tribal workgroup members on culturally relevant exclusions from the proposed standards. We agreed with their input, clarified that we do not intend to regulate ceremonial fires, and added a definition to the rule to exclude traditional Native American bake ovens.

On February 18, 2011, the EPA mailed letters to about 600 elected tribal leaders in the U.S. offering an opportunity for consultation on this proposal. We received requests from six tribes. These tribes agreed to discuss this proposal with us in a conference call held on March 22, 2011. The tribes were very supportive of this proposal and provided some helpful clarifications of definitions (e.g., Native American bake ovens) that we have incorporated in this proposal. We continued to provide updates on the rule on the EPA/NTAA conference calls and to offer opportunities to tribal leaders for consultation. On January 30, 2014, and September 25, 2014, we presented updates for tribes at the monthly EPA/NTAA conference calls.

The air quality and public health benefits to be achieved by this rule will benefit tribes. The emissions occur in neighborhoods and affect people in their homes. To the extent that populations are particularly sensitive to asthma, this rule will help.

#### *G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the RIA as well as the report "Analysis of Exposure to Residential Wood Combustion Emissions for Different Socio-Economic

Groups"<sup>43</sup> which shows that on a nationwide basis, cancer risks due to residential wood smoke emissions among disadvantaged population groups generally are lower than the risks for the general population due to residential wood smoke emissions. One of the demographic variables examined for this report was that of people 18 years and younger. The full report is available in the docket.

This final rule is expected to reduce environmental impacts for everyone, including children. This action promulgates emissions limits at the levels based on BSER, as required by the CAA. Based on our analysis, we believe this rule will not have a disproportionate impact on children, and, in fact, will result in improvements to children's health. These emissions happen in neighborhoods and affect people in their homes. To the extent that children are particularly sensitive to asthma, this rule will help.

#### *H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. Further, we have concluded that this rule is not likely to have any significant adverse energy effects. In general, we expect the NSPS to improve technology, including energy efficiency. Reducing emissions and increasing efficiency might increase the use of wood fuel, which would relieve pressure on traditional coal or petroleum based energy sources. However, as described in section VI.E, it is difficult to determine the precise energy impacts that might result from this rule. This is because wood-fueled appliances compete with other biomass forms as well as more traditional oil, electricity and natural gas. Robust data are not available to determine the potential conversion to other types of fuels and their associated appliances if the consumer costs of wood-fueled appliances increase and at what level that increase would drive consumer choice.

<sup>43</sup> "Analysis of Exposure to Residential Wood Combustion Emissions for Different Socio-Economic Groups, Revised Draft Report." Prepared for Gil Wood, U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC. Prepared by EC/R Inc., EPA Contract No. EP-D-05-085, Work Assignment No. 4-3. April 22, 2010.

#### *I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51*

This action involves technical standards. The EPA has decided to use several VCS ASTM International test methods, in full or in part, including the following:

- E2515-11 "Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel." This test method is applicable for the determination of particulate matter emissions from solid-fuel-burning appliances including woodstoves, pellet-burning appliances, factory-built fireplaces, masonry fireplaces, masonry heaters, indoor furnaces, and indoor and outdoor hydronic heaters within a laboratory environment;
- E2779-10 "Standard Test Method for Determining Particulate Matter Emissions from Pellet Heaters." This test method covers the fueling and operating protocol for determining particulate matter emissions from fires in pellet or other granular or particulate biomass burning room heaters and fireplace inserts;
- E2780-10 "Standard Test Method for Determining Particulate Matter Emissions from Wood Heaters." This test method covers the fueling and operating protocol for determining particulate matter emissions from wood fires in wood-burning room heaters and fireplace inserts as well as determining heat output and efficiency; and
- E2618-13 "Standard Test Method for Measurement of Particulate Matter Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances." This test method applies to wood-fired or automatically fed biomass burning hydronic heating appliances. These appliances transfer heat to the indoor environment through circulation of a liquid heat exchange media such as water or a water-antifreeze mixture.

In addition, we determined that the VCS ASTM E871-82 (Reapproved 2013), "Standard Test Method for Moisture Analysis of Particulate Wood Fuels" is acceptable as an alternative to that portion of the EPA Methods 5H and 28. ASTM E871-82 (Reapproved 2013) covers the determination of total weight basis moisture in the analysis sample of particulate wood fuel. These VCS test methods are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, <http://www.astm.org>. A hard copy of this material is also available for viewing in

the docket for this rule (Docket ID# EPA-HQ-OAR-2009-0734), the EPA Docket Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

The EPA will also use, in part, the following test VCS CSA method available at the CSA Web site [http://shop.csa.ca/en/canada/fuel-burning-equipment/b4151-10/inv/27013322010/CSA\\_B415.1-10](http://shop.csa.ca/en/canada/fuel-burning-equipment/b4151-10/inv/27013322010/CSA_B415.1-10) "Performance Testing of Solid-fuel-burning Heating Appliances." This standard specifies requirements for performance testing of solid-fuel-burning heating appliances, including maximum emission rates. This standard also specifies a method for determining heat outputs, appliance efficiencies, emission levels and composition, and flue gas flow rates. A hard copy of this material is also available for viewing in the docket for this rule (Docket ID# EPA-HQ-OAR-2009-0734) at the EPA Docket Center located at the address and telephone numbers above.

Finally, we will use, in part, the following VCS test method, European National (EN) standard prepared by the European Union: EN 303-5 "Heating boilers for solid fuels, hand and automatically stoked nominal heat output of up to 1025 MBtu—Terminology, requirements, testing, and marketing." This EN standard applies to heating boilers including safety devices up to a nominal heat output of 500 kilowatts, which are designed for the burning of solid fuels only and are operated according to the instructions of the boiler manufacturer. This EN standard material is available for purchase at <http://www.en-standard.eu/csn-en-303-5-heating-boilers-part-5-heating-boilers-for-solid-fuels-manually-and-automatically-stoked-nominal-heat-output-of-up-to-500-kw-terminology-requirements-testing-and-marking/?gclid=CMv3wrBfrsACFU4F7Aod3yoAcw>. A hard copy of this material is also available for viewing in the docket for this rule (Docket ID# EPA-HQ-OAR-2009-0734), at the EPA Docket Center located at the address and telephone numbers above. We believe that all the methods listed above have some positive aspects that can help stakeholders determine emissions under various operation conditions. For more details, please refer to section 6 of the RTC document.

The search identified five other VCS that were potentially applicable for this rule in lieu of the EPA reference methods. However, the EPA determined

that the five candidate VCS would not be applicable and practical due to lack of equivalency, documentation, validation data and other important technical and policy considerations. The five VCS and other information and conclusion, including the search and review results, are in the docket for this rule. The EPA solicited comments on this aspect of the proposed rulemaking. Specifically, we invited the public to identify potentially applicable voluntary consensus standards and to explain why such standards, in whole or in part, should or should not be used in this regulation. The EPA's responses to the significant comments are presented in section V of this preamble and in section 6 of the RTC document.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. The results of this evaluation are contained in the report "Analysis of Exposure to Residential Wood Combustion Emissions for Different Socio-Economic Groups" which shows that on a nationwide basis, cancer risks due to residential wood smoke emissions among disadvantaged population groups generally are lower than the risks for the general population due to residential wood smoke emissions.<sup>44</sup> Rather, the rule increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low-income or indigenous population.

This rule establishes national standards that will reduce primarily PM emissions from new residential wood heaters and, thus, is expected to decrease the amount of these emissions to which all affected populations are exposed. These emissions happen in many neighborhoods nationwide, including in minority and low-income

neighborhoods and affect people in their homes. To the extent that minority populations and low-income populations are more vulnerable, this rule will help.

*K. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 60**

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Hazardous substances, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 3, 2015.

**Gina McCarthy,**  
Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as set forth below.

**PART 60—STANDARDS OF PERFORMANCE FOR NEW SOURCES**

- 1. The authority citation for part 60 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart A—General Provisions**

- 2. Section 60.17 is amended by revising paragraph (a) and the introductory text to paragraph (g); and by adding paragraphs (g)(202) through (206), (s) and (t) to read as follows:

**§ 60.17 Incorporations by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the EPA Docket Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, telephone number 202-566-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to [http://www.archives.gov/federal\\_register/](http://www.archives.gov/federal_register/)

<sup>44</sup> "Analysis of Exposure to Residential Wood Combustion Emissions for Different Socio-Economic Groups, Revised Draft Report." Prepared for Gil Wood, U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC. Prepared by EC/R Inc., EPA Contract No. EP-D-05-085, Work Assignment No. 4-3. April 22, 2010.

*code\_of\_federal\_regulations/ibr\_locations.html.*

\* \* \* \* \*

(g) The following material is available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, <http://www.astm.org>.

\* \* \* \* \*

(202) ASTM E871-82 (Reapproved 2013), Standard Test Method for Moisture Analysis of Particulate Wood Fuels, (Approved August 15, 2013), IBR approved for Appendix A-8: Method 28R.

(203) ASTM E2515-11, Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel, (Approved November 1, 2011), IBR approved for § 60.534 and § 60.5476.

(204) ASTM E2779-10, Standard Test Method for Determining Particulate Matter Emissions from Pellet Heaters, (Approved October 1, 2010), IBR approved for § 60.534.

(205) ASTM E2618-13 Standard Test Method for Measurement of Particulate Matter Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances, (Approved September 1, 2013), IBR approved for § 60.5476.

(206) ASTM E2780-10, Standard Test Method for Determining Particulate Matter Emissions from Wood Heaters, (Approved October 1, 2010), IBR approved for Appendix A: Method 28R.

\* \* \* \* \*

(s) This material is available for purchase from the Canadian Standards Association (CSA), 5060 Spectrum Way, Suite 100, Mississauga, Ontario, Canada L4W 5N6, Telephone: 800-463-6727.

(1) CSA B415.1-10, Performance Testing of Solid-fuel-burning Heating Appliances, (March 2010), IBR approved for § 60.534 and § 60.5476. (The standard is also available at <http://shop.csa.ca/en/canada/fuel-burning-equipment/b4151-10/inv/27013322010>)

(2) [Reserved]

(t) This European National (EN) standards material is available for purchase at European Committee for Standardization, Management Centre, Avenue Marnix 17, B-1000 Brussels, Belgium, Telephone: + 32 2 550 08 11.

(1) DIN EN 303-5:2012E (EN 303-5), Heating boilers—Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW—Terminology, requirements, testing and marking, (October 2012), IBR approved for § 60.5476. (The standard is also available at <http://www.en-standard.eu/>

*csn-en-303-5-heating-boilers-part-5-heating-boilers-for-solid-fuels-manually-and-automatically-stoked-nominal-heat-output-of-up-to-500-kw-terminology-requirements-testing-and-marking/?gclid=CJXI2P97MMCFdcccQodan8ATA)*

(2) [Reserved]

■ 3. Subpart AAA is revised to read as follows:

#### **Subpart AAA—Standards of Performance for New Residential Wood Heaters**

Sec.

60.530 Am I subject to this subpart?

60.531 What definitions must I know?

60.532 What standards and associated requirements must I meet and by when?

60.533 What compliance and certification requirements must I meet and by when?

60.534 What test methods and procedures must I use to determine compliance with the standards and requirements for certification?

60.535 What procedures must I use for EPA approval of a test laboratory or EPA approval of a third-party certifier?

60.536 What requirements must I meet for permanent labels, temporary labels (hangtags), and owner's manuals?

60.537 What records must I keep and what reports must I submit?

60.538 What activities are prohibited under this subpart?

60.539 What hearing and appeal procedures apply to me?

60.539a Who implements and enforces this subpart?

60.539b What parts of the General Provisions do not apply to me?

#### **Subpart AAA—Standards of Performance for New Residential Wood Heaters**

##### **§ 60.530 Am I subject to this subpart?**

(a) You are subject to this subpart if you manufacture, sell, offer for sale, import for sale, distribute, offer to distribute, introduce or deliver for introduction into commerce in the United States, or install or operate an affected wood heater specified in paragraphs (a)(1) or (a)(2) of this section, except as provided in paragraph (c) of this section.

(1) Each adjustable burn rate wood heater, single burn rate wood heater and pellet stove manufactured on or after July 1, 1988, with a current EPA certificate of compliance issued prior to May 15, 2015 according to the certification procedures in effect in this subpart at the time of certification is an affected wood heater.

(2) All other residential wood heaters as defined in § 60.531 manufactured or sold on or after May 15, 2015 are affected wood heaters, except as provided in paragraph (c) of this section.

(b) Each affected wood heater must comply with the provisions of this subpart unless exempted under paragraphs (b)(1) through (b)(6) of this section. These exemptions are determined by rule applicability and do not require EPA notification or public notice.

(1) Affected wood heaters manufactured in the United States for export are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533.

(2) Affected wood heaters used for research and development purposes that are never offered for sale or sold and that are not used for the purpose of providing heat are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533. No more than 50 wood heaters manufactured per model line can be exempted for this purpose.

(3) Appliances that do not burn wood or wood pellets (such as coal-only heaters that meet the definition in § 60.531 or corn-only pellet stoves) are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533 provided that all advertising and warranties exclude wood burning.

(4) Cook stoves as defined in § 60.531 are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533.

(5) Camp stoves as defined in § 60.531 are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533.

(6) Modification or reconstruction, as defined in § 60.14 and § 60.15 of subpart A of this part does not, by itself, make a wood heater an affected facility under this subpart.

(c) The following are not affected wood heaters and are not subject to this subpart:

(1) Residential hydronic heaters and residential forced-air furnaces subject to subpart QQQQ of this part.

(2) Residential masonry heaters that meet the definition in § 60.531.

(3) Appliances that are not residential heating devices (for example, manufactured or site-built masonry fireplaces).

(4) Traditional Native American bake ovens that meet the definition in § 60.531.

##### **§ 60.531 What definitions must I know?**

As used in this subpart, all terms not defined herein have the meaning given them in the Clean Air Act and subpart A of this part.

*Adjustable burn rate wood heater* means a wood heater that is equipped with or installed with a damper or other mechanism to allow the operator to vary

burn rate conditions, regardless of whether it is internal or external to the appliance. This definition does not distinguish between heaters that are free standing, built-in or fireplace inserts.

*Approved test laboratory* means a test laboratory that is approved for wood heater certification testing under § 60.535 or is an independent third-party test laboratory that is accredited under ISO-IEC Standard 17025 to perform testing using the test methods specified in § 60.534 by an accreditation body that is a full member signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement and approved by the EPA for conducting testing under this subpart.

*Camp stove* (sometimes also called cylinder stove or wall tent stove) means a portable stove equipped with a pipe or chimney exhaust capable of burning wood or coal intended for use in a tent or other temporary structure used for hunting, camping, fishing or other outdoor recreation. The primary purpose of the stove is to provide space heating, although cooking and heating water may be additional functions.

*Catalytic combustor* means a device coated with a noble metal used in a wood heater to lower the temperature required for combustion.

*Chip wood fuel* means wood chipped into small pieces that are uniform in size, shape, moisture, density and energy content.

*Coal-only heater* means an enclosed, coal-burning appliance capable of space heating or space heating and domestic water heating, which is marketed and warranted solely as a coal-only heater and has all of the following characteristics:

- (1) An opening for emptying ash that is located near the bottom or the side of the appliance;
- (2) A system that admits air primarily up and through the fuel bed;
- (3) A grate or other similar device for shaking or disturbing the fuel bed or a power-driven or mechanical stoker;
- (4) Installation instructions, owner's manual and marketing information that state that the use of wood in the stove, except for coal ignition purposes, is prohibited by law; and
- (5) A safety listing as a coal-only heater, except for coal ignition purposes, under accepted American or Canadian safety codes, as documented by a permanent label from a nationally recognized certification body.

*Commercial owner* means any person who owns or controls a wood heater in the course of the business of the manufacture, importation, distribution

(including shipping and storage), or sale of the wood heater.

*Cook stove* means a wood-fired appliance that is designed, marketed and warranted primarily for cooking food and that has the following characteristics:

- (1) An oven, with volume of 0.028 cubic meters (1 cubic foot) or greater, and an oven rack;
- (2) A device for measuring oven temperatures;
- (3) A flame path that is routed around the oven;
- (4) An ash pan;
- (5) An ash clean-out door below the oven;
- (6) The absence of a fan or heat channels to dissipate heat from the appliance;
- (7) A cooking surface with an area measured in square inches or square feet that is at least 1.5 times greater than the volume of firebox measured in cubic inches or cubic feet. Example: A cook stove with a firebox of 2 cubic feet must have a cooking surface of at least 3 square feet;
- (8) A portion of at least four sides of the oven (which may include the bottom and/or top) is exposed to the flame path during the heating cycle of the oven. A flue gas bypass may exist for temperature control.

*Fireplace* means a wood-burning appliance intended to be used primarily for aesthetic enjoyment and not as a space heater. An appliance is a fireplace if it is in a model line that satisfies the requirements in paragraphs (1), (2) or (3) of this definition.

(1) The model line includes a safety listing under recognized American or Canadian safety standards, as documented by a permanent label from a nationally recognized certification body affixed on each unit sold, and that said safety listing only allows operation of the fireplace with doors fully open. Operation with any required safety screen satisfies this requirement.

(2) The model line has a safety listing that allows operation with doors closed, has no user-operated controls other than flue or outside air dampers that can only be adjusted to either a fully closed or fully opened position, and the requirements in either paragraph (2)(i) or (2)(ii) of this definition are satisfied.

(i) Appliances are sold with tempered glass panel doors only (either as standard or optional equipment), or

(ii) The fire viewing area is equal to or greater than 500 square inches.

(3)(i) A model line that is clearly positioned in the marketplace as intended to be used primarily for aesthetic enjoyment and not as a room heater, as demonstrated by product

literature (including owner's manuals), advertising targeted at the trade or public (including web-based promotional materials) or training materials is presumptively a fireplace model line.

(ii) The presumption in paragraph (3)(i) of this definition can be rebutted by test data from an EPA-approved test laboratory reviewed by an EPA-approved third-party certifier that were generated when operating the appliance with the door(s) closed, and that demonstrate an average stack gas carbon dioxide (CO<sub>2</sub>) concentration over the duration of the test run equal to or less than 5.00 percent and a ratio of the average stack gas CO<sub>2</sub> to the average stack gas carbon monoxide (CO) equal to or greater than 15:1. The stack gas average CO<sub>2</sub> and CO concentrations for the test run shall be determined in accordance with the requirements in CSA B415.1-10 (IBR, see § 60.17), clause 6.3, using a sampling interval no greater than 1 minute. The average stack gas CO<sub>2</sub> and CO concentrations for purposes of this determination shall be the average of the stack gas concentrations from all sampling intervals over the full test run.

*Manufactured* means completed and ready for shipment (whether or not assembled or packaged) for purposes of determining the date of manufacture.

*Manufacturer* means any entity that constructs or imports into the United States a wood heater.

*Model line* means all wood heaters offered for sale by a single manufacturer that are similar in all material respects that would affect emissions as defined in this section.

*Particulate matter (PM)* means total particulate matter including coarse particulate (PM<sub>10</sub>) and fine particulate (PM<sub>2.5</sub>).

*Pellet fuel* means refined and densified fuel shaped into small pellets or briquettes that are uniform in size, shape, moisture, density and energy content.

*Pellet stove* (sometimes called pellet heater or pellet space heater) means an enclosed, pellet or chip fuel-burning device capable of and intended for residential space heating or space heating and domestic water heating. Pellet stoves include a fuel storage hopper or bin and a fuel feed system. Pellet stoves include, but are not limited to:

(1) Free-standing pellet stoves—pellet stoves that are installed on legs or on a pedestal or other supporting base. These stoves generally are safety listed under ASTM E1509, UL-1482, ULC S627 or ULC-ORD C1482.

(2) Pellet stove fireplace inserts—pellet stoves intended to be installed in masonry fireplace cavities or in other enclosures. These stoves generally are safety listed under ASTM E1509, UL-1482, ULC-S628 or ULC-ORD C1482.

(3) Built-in pellet stoves—pellet stoves intended to be recessed into the wall. These stoves generally are safety listed under ASTM E1509, UL-127, ULC-S610 or ULC-ORD C1482.

*Representative affected wood heater* means an individual wood heater that is similar in all material respects that would affect emissions to other wood heaters within the model line it represents.

*Residential masonry heater* means a factory-built or site-built wood-burning device in which the heat from intermittent fires burned rapidly in the firebox is stored in the refractory mass for slow release to building spaces. Masonry heaters are site-built (using local materials or a combination of local materials and manufactured components) or site-assembled (using factory-built components), solid fuel-burning heating appliances constructed mainly of refractory materials (e.g., masonry materials or soapstone). They typically have an interior construction consisting of a firebox and heat exchange channels built from refractory components, through which flue gases are routed. ASTM E-1602 “Standard Guide for Construction of Solid Fuel Burning Masonry Heaters” provides design and construction information for the range of masonry heaters most commonly built in the United States. The site-assembled models are generally listed to UL-1482.

*Sale* means the transfer of ownership or control, except that a transfer of control of an affected wood heater for research and development purposes within the scope of § 60.530(b)(2) is not a sale.

*Similar in all material respects that would affect emissions* means that the construction materials, exhaust and inlet air systems and other design features are within the allowed tolerances for components identified in § 60.533(k)(2), (3) and (4).

*Single burn rate wood heater* means a wood heater that is not equipped with or installed with a burn control device to allow the operator to vary burn rate conditions. Burn rate control devices include stack dampers that control the outflow of flue gases from the heater to the chimney, whether built into the appliance, sold with it, or recommended for use with the heater by the manufacturer, retailer or installer; and air control slides, gates or any other type

of mechanisms that control combustion air flow into the heater.

*Sold at retail* means the sale by a commercial owner of a wood heater to the ultimate purchaser/user or noncommercial purchaser.

*Third-party certifier* (sometimes called *third-party certifying body* or *product certifying body*) means an independent third party that is accredited under ISO-IEC Standards 17025 and 17065 to perform certifications, inspections and audits by an accreditation body that is a full member signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement and approved by the EPA for conducting certifications, inspections and audits under this subpart.

*Traditional Native American bake oven* means a wood or other solid fuel burning appliance that is designed primarily for use by Native Americans for food preparation, cooking, warming or for instructional, recreational, cultural or ceremonial purposes.

*Unseasoned wood* means wood with an average moisture content of 20 percent or more.

*Valid certification test* means a test that meets the following criteria:

(1) The Administrator was notified about the test in accordance with § 60.534(g);

(2) The test was conducted by an approved test laboratory as defined in this section;

(3) The test was conducted on a wood heater similar in all material respects that would affect emissions to other wood heaters of the model line that is to be certified; and

(4) The test was conducted in accordance with the test methods and procedures specified in § 60.534.

*Wood heater* means an enclosed, wood burning-appliance capable of and intended for residential space heating or space heating and domestic water heating. These devices include, but are not limited to, adjustable burn rate wood heaters, single burn rate wood heaters and pellet stoves. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include, but are not limited to:

(1) Free-standing wood heaters—Wood heaters that are installed on legs, on a pedestal or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737 or ULC-S627.

(2) Fireplace insert wood heaters—Wood heaters intended to be installed in masonry fireplace cavities or in other enclosures. These appliances generally

are safety listed under UL-1482, UL-737 or ULC-S628.

(3) Built-in wood heaters—Wood heaters that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL-127 or ULC-S610.

#### **§ 60.532 What standards and associated requirements must I meet and by when?**

(a) *2015 particulate matter emission standards.* Unless exempted under § 60.530(b), each affected wood heater manufactured, imported into the United States, and/or sold at retail on or after May 15, 2015 must be certified to not discharge into the atmosphere any gases that contain particulate matter in excess of a weighted average of 4.5 g/hr (0.010 lb/hr), except that a wood heater manufactured before May 15, 2015 may be imported into the United States and/or sold at retail on or before December 31, 2015. Compliance for all heaters must be determined by the test methods and procedures in § 60.534.

(b) *2020 particulate matter emission standards.* Unless exempted under § 60.530(b) or electing to use the cord wood alternative means of compliance option in paragraph (c) of the section, each affected wood heater manufactured or sold at retail for use in the United States on or after May 15, 2020 must not discharge into the atmosphere any gases that contain particulate matter in excess of a weighted average of 2.0 g/hr (0.0044 lb/hr). Compliance for all heaters must be determined by the test methods and procedures in § 60.534.

(c) *2020 cord wood alternative compliance option.* Each affected wood heater manufactured or sold at retail for use in the United States on or after May 15, 2020 must not discharge into the atmosphere any gases that contain particulate matter in excess of a weighted average of 2.5 g/hr (0.0055 lb/hr). Compliance must be determined by a cord wood test method approved by the Administrator and the procedures in § 60.534.

(d) *Chip wood fuel requirements.* Operators of wood heaters that are certified to burn chip wood fuels must only burn chip wood fuels that have been specified in the owner's manual. The chip wood fuel must meet the following minimum requirements:

(1) Moisture content: less than 35 percent;

(2) Inorganic fines: less than or equal to 1 percent;

(3) Chlorides: less than or equal to 300 parts per million by weight;

(4) Ash content: no more than 2 percent;

(5) No demolition or construction waste; and



(6) Trace metals: less than 100 mg/kg.

(e) *Pellet fuel requirements.* Operators of wood heaters that are certified to burn pellet fuels must only burn pellets that have been specified in the owner's manual and graded under a licensing agreement with a third-party organization approved by the EPA. The Pellet Fuels Institute, ENplus and CANplus are initially deemed to be approved third-party organizations for this purpose, and additional organizations may apply to the Administrator for approval. The pellet fuel must meet the following minimum requirements as assured through a quality assurance program licensed by a third-party organization approved by the EPA:

(1) Density: consistent hardness and energy content with a minimum density of 38 pounds/cubic foot;

(2) Dimensions: maximum length of 1.5 inches and diameter between 0.230 and 0.285 inches;

(3) Inorganic fines: less than or equal to 1 percent;

(4) Chlorides: less than or equal to 300 parts per million by weight;

(5) Ash content: no more than 2 percent;

(6) Contains no demolition or construction waste;

(7) Trace metals: less than 100 mg/kg; and

(8) None of the prohibited fuels in paragraph (f) of this section.

(f) *Prohibited fuel types.* No person is permitted to burn any of the following materials in an affected wood heater:

(1) Residential or commercial garbage;

(2) Lawn clippings or yard waste;

(3) Materials containing rubber, including tires;

(4) Materials containing plastic;

(5) Waste petroleum products, paints or paint thinners, or asphalt products;

(6) Materials containing asbestos;

(7) Construction or demolition debris;

(8) Paper products, cardboard, plywood, or particleboard. The prohibition against burning these materials does not prohibit the use of fire starters made from paper, cardboard, sawdust, wax and similar substances for the purpose of starting a fire in an affected wood heater;

(9) Railroad ties, pressure-treated wood or pallets;

(10) Manure or animal remains;

(11) Salt water driftwood or other previously salt water saturated materials;

(12) Unseasoned wood;

(13) Any materials that are not included in the warranty and owner's manual for the subject wood heater; or

(14) Any materials that were not included in the certification tests for the subject wood heater.

(g) *Operation of affected wood heaters.* The user of an affected residential wood heater must operate the heater in a manner consistent with the owner's manual. The owner's manual must clearly specify that operation in a manner inconsistent with the owner's manual would void the warranty.

(h) *Temperature sensor requirement.* An affected wood heater equipped with a catalytic combustor must be equipped with a temperature sensor that can monitor combustor gas stream temperatures within or immediately downstream [within 2.54 centimeters (1 inch)] of the catalytic combustor surface.

#### **§ 60.533 What compliance and certification requirements must I meet and by when?**

(a) *Certification requirement.* Each affected wood heater must be certified to be in compliance with the applicable emission standards and other requirements of this subpart. For each model line manufactured or sold by a single entity (e.g., company or manufacturer), compliance with applicable emission standards of § 60.532 must be determined based on testing of representative affected wood heaters within the model line. If one entity licenses a model line to another entity, each entity's model line must be certified. If an entity intends to change the name of the entity or the name of the model, the manufacturer must apply for a new certification 60 days before the intended name change.

(1) Except for model lines meeting the requirements of paragraph (h)(1) of this section, on or after May 15, 2015, the manufacturer must submit to the Administrator the information required in paragraph (b) of this section and follow either the certification process in paragraphs (c) through (e) of this section or the third-party certifier-based application process specified in paragraph (f) of this section.

(2) On or after May 16, 2016, the manufacturer must submit the information required in paragraph (b) of this section and follow the third-party certifier-based application process specified in paragraph (f) of this section.

(b) *Application for a certificate of compliance.* Any manufacturer of an affected wood heater must apply to the Administrator for a certificate of compliance for each model line. The application must be submitted to: [WoodHeaterReports@epa.gov](mailto:WoodHeaterReports@epa.gov). The application must be signed by a responsible representative of the manufacturer or an authorized representative and must contain the following:

(1) The model name and design number. The model name and design number must clearly distinguish one model from another. The name and design number cannot include the EPA symbol or logo or name or derivatives such as "EPA."

(2) Engineering drawings and specifications of components that may affect emissions (including specifications for each component listed in paragraph (k)(2), (3) and (4) of this section). Manufacturers may use assembly or design drawings that have been prepared for other purposes, but must designate on the drawings the dimensions of each component listed in paragraph (k) of this section. Manufacturers must identify tolerances of components listed in paragraph (k)(2) of this section that are different from those specified in that paragraph, and show that such tolerances cannot reasonably be anticipated to cause wood heaters in the model line to exceed the applicable emission limits. The drawings must identify how the emission-critical parts, such as air tubes and catalyst, can be readily inspected and replaced.

(3) A statement whether the firebox or any firebox component (including the materials listed in paragraph (k)(3) of this section) will be composed of material different from the material used for the firebox or firebox component in the wood heater on which certification testing was performed, a description of any such differences and demonstration that any such differences may not reasonably be anticipated to adversely affect emissions or efficiency.

(4) Clear identification of any claimed confidential business information (CBI). Submit such information under separate cover to the EPA CBI Office; Attn: Residential Wood Heater Compliance Program Lead, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Note that all emissions data, including all information necessary to determine emission rates in the format of the standard, cannot be claimed as CBI.

(5) All documentation pertaining to a valid certification test, including the complete test report and, for all test runs: Raw data sheets, laboratory technician notes, calculations and test results. Documentation must include the items specified in the applicable test methods. Documentation must include discussion of each test run and its appropriateness and validity, and must include detailed discussion of all anomalies, whether all burn rate categories were achieved, any data not used in the calculations and, for any test runs not completed, the data collected during the test run and the reason(s)



that the test run was not completed and why. The burn rate for the low burn rate category must be no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer. The test report must include a summary table that clearly presents the individual and overall emission rates, efficiencies and heat outputs. Submit the test report and all associated required information, according to the procedures for electronic reporting specified in § 60.537(f).

(6) A copy of the warranties for the model line, which must include a statement that the warranties are void if the unit is used to burn materials for which the unit is not certified by the EPA and void if not operated according to the owner's manual.

(7) A statement that the manufacturer will conduct a quality assurance program for the model line that satisfies the requirements of paragraph (m) of this section.

(8) A statement describing how the tested unit was sealed by the laboratory after the completion of certification testing and asserting that such unit will be stored by the manufacturer in the sealed state until 5 years after the certification test.

(9) Statements that the wood heaters manufactured under this certificate will be—

(i) Similar in all material respects that would affect emissions as defined in § 60.531 to the wood heater submitted for certification testing, and

(ii) Labeled as prescribed in § 60.536.

(iii) Accompanied by an owner's manual that meets the requirements in § 60.536. In addition, a copy of the owner's manual must be submitted to the Administrator and be available to the public on the manufacturer's Web site.

(10) A statement that the manufacturer has entered into contracts with an approved laboratory and an approved third-party certifier that satisfy the requirements of paragraph (f) of this section.

(11) A statement that the approved laboratory and approved third-party certifier are allowed to submit information on behalf of the manufacturer, including any claimed to be CBI.

(12) A statement that the manufacturer will place a copy of the certification test report and summary on the manufacturer's Web site available to the public within 30 days after the Administrator issues a certificate of compliance.

(13) A statement of acknowledgment that the certificate of compliance cannot

be transferred to another manufacturer or model line without written approval by the Administrator.

(14) A statement acknowledging that it is unlawful to sell, distribute or offer to sell or distribute an affected wood heater without a valid certificate of compliance.

(15) Contact information for the responsible representative of the manufacturer and all authorized representatives, including name, affiliation, physical address, telephone number and email address.

(c) *Administrator approval process.*

(1) The Administrator may issue a certificate of compliance for a model line if the Administrator determines, based on all information submitted by the applicant and any other relevant information available, that:

(i) A valid certification test demonstrates that the representative affected wood heater complies with the applicable emission standards in § 60.532;

(ii) Any tolerances or materials for components listed in paragraph (k)(2) or (3) of this section that are different from those specified in those paragraphs may not reasonably be anticipated to cause wood heaters in the model line to exceed the applicable emission limits; and

(iii) The requirements of paragraph (b) of this section have been met.

(2) The Administrator will deny certification if the Administrator determines that the criteria in paragraph (c)(1) of this section have not been satisfied. Upon denying certification under this paragraph, the Administrator will give written notice to the manufacturer setting forth the basis for this determination.

(d) *Level of compliance certification.*

The Administrator will issue the certificate of compliance for the most stringent particulate matter emission standard that the tested representative wood heater meets under § 60.532.

(e) *Conditional, temporary certificate of compliance.* A conditional, temporary certificate of compliance may be granted by the Administrator until May 16, 2016 based on the manufacturer's submittal of a complete certification application meeting all the requirements in § 60.533(b). The application must include the full test report by an EPA-approved laboratory and all required compliance statements by the manufacturer with the exception of a certificate of conformity by an EPA-approved third-party certifier. The conditional, temporary certificate of compliance would allow manufacture and sales of the affected wood heater model line until May 16, 2016 or until

the Administrator completes the review of the application, whichever is earlier. By May 16, 2016, the manufacturer must submit a certificate of conformity by an EPA-approved third-party certifier.

(f) *Third-party certifier-based application process.* (1) Any manufacturer of an affected wood heater must apply to the Administrator for a certificate of compliance for each model line. The manufacturer must meet the following requirements:

(i) The manufacturer must contract with a third-party certifier for certification services. The contract must include regular (at least annual) unannounced audits under ISO-IEC Standard 17065 to ensure that the manufacturer's quality assurance plan is being implemented. The contract must also include a report for each audit under ISO-IEC Standard 17065 that fully documents the results of the audit. The contract must include authorization and requirement for the third-party certifier to submit all such reports to the Administrator and the manufacturer within 30 days of the audit. The audit report must identify deviations from the manufacturer's quality assurance plan and specify the corrective actions that need to be taken to address each identified deficiency.

(ii) The manufacturer must submit the materials specified in paragraph (b) of this section and a quality assurance plan that meets the requirements of paragraph (m) of this section to the third-party certifier. The quality assurance plan must ensure that units within a model line will be similar in all material respects that would affect emissions to the wood heater submitted for certification testing, and it must include design drawings for the model line.

(iii) The manufacturer must apply to the third-party certifier for a certification of conformity with the applicable requirements of this subpart for the model line.

(A) After testing by an approved test laboratory is complete, certification of conformity with the emission standards in § 60.532 must be performed by the manufacturer's contracted third-party certifier.

(B) The third-party certifier may certify conformity if the emission tests have been conducted per the appropriate guidelines; the test report is complete and accurate; the instrumentation used for the test was properly calibrated; the test report shows that the representative affected wood heater meets the applicable emission limits specified in § 60.532; the quality assurance plan is adequate to ensure that units within the model line

will be similar in all material respects that would affect emissions to the wood heater submitted for certification testing; and that the affected heaters would meet all applicable requirements of this subpart.

(iv) The manufacturer must then submit to the Administrator an application for a certificate of compliance that includes the certification of conformity, quality assurance plan, test report and all supporting documentation specified in paragraph (b) of this section.

(v) The submission also must include a statement signed by a responsible official of the manufacturer or authorized representative that the manufacturer has complied with and will continue to comply with all requirements of this subpart for certificate of compliance and that the manufacturer remains responsible for compliance regardless of any error by the test laboratory or third-party certifier.

(2) The Administrator will issue to the manufacturer a certificate of compliance for a model line if it is determined, based on all of the information submitted in the application for certification and any other relevant information, that:

(i) A valid certification of conformity has demonstrated that the representative affected wood heater complies with the applicable emission standards in § 60.532;

(ii) Any tolerances or materials for components listed in paragraph (k)(2) or (3) of this section that are different from those specified in those paragraphs may not be reasonably anticipated to cause wood heaters in the model line to exceed the applicable emission limits;

(iii) The requirements of paragraph (b) of this section have been met; and

(iv) A valid certificate of conformity for the model line has been prepared and submitted.

(3) The Administrator will deny certification if the Administrator determines that the criteria in paragraph (f)(2) of this section have not been satisfied. Upon denying certification under this paragraph, the Administrator will give written notice to the manufacturer setting forth the basis for the determination.

(g) *Waiver from submitting test results.* An applicant for certification may apply for a potential waiver of the requirement to submit the results of a certification test pursuant to paragraph (b)(5) of this section, if the wood heater meets either of the following conditions:

(1) The wood heaters of the model line are similar in all material respects that would affect emissions, as defined

in § 60.531, to another model line that has already been issued a certificate of compliance. A manufacturer that seeks a waiver of certification testing must identify the model line that has been certified, and must submit a copy of an agreement with the owner of the design permitting the applicant to produce wood heaters of that design.

(2) The manufacturer has previously conducted a valid certification test to demonstrate that the wood heaters of the model line meet the applicable standard specified in § 60.532.

(h) *Certification period.* Unless revoked sooner by the Administrator, a certificate of compliance will be valid for the following periods as applicable:

(1) For a model line that was previously certified as meeting the 1990 Phase II emission standards under the 1988 NSPS, in effect prior to May 15, 2015, at an emission level equal to or less than the 2015 emission standards in § 60.532(a), the model line is deemed to have a certificate of compliance for the 2015 emission standards in § 60.532(a), which is valid until the effective date for the 2020 standards in § 60.532(b) (i.e., until May 15, 2020).

(2) For a model line certified as meeting emission standards in § 60.532, a certificate of compliance will be valid for 5 years from the date of issuance or until a more stringent standard comes into effect, whichever is sooner.

(i) *Renewal of certification.* (1) The manufacturer must request renewal of a model line's certificate of compliance or recertify the model line every 5 years, or the manufacturer may choose to no longer manufacture or sell that model line after the expiration date. If the manufacturer chooses to no longer manufacture that model line, then the manufacturer must submit a statement to the Administrator to that effect.

(2) A manufacturer of an affected wood heater model line may apply to the Administrator for potential renewal of its certificate of compliance by submitting the material specified in paragraph (b) and following the procedures specified in paragraph (f) of this section, or by affirming in writing that the wood heaters in the model line continue to be similar in all material respects that would affect emissions to the representative wood heater submitted for testing on which the original certificate of compliance was based and requesting a potential waiver from certification testing. The application must include a copy of the review of the draft application and approval by the third-party certifier.

(3) If the Administrator grants a renewal of certification, the Administrator will give written notice to

the manufacturer setting forth the basis for the determination and issue a certification renewal.

(4) If the Administrator denies the request for a renewal of certification, the Administrator will give written notice to the manufacturer setting forth the basis for the determination.

(5) If the Administrator denies the request for a renewal of certification, the manufacturer and retailer must not manufacture or sell the previously-certified wood heaters after the expiration date of the certificate of compliance.

(j) [Reserved]

(k) *Recertification.* (1) The manufacturer must recertify a model line whenever any change is made in the design submitted pursuant to paragraph (b)(2) of this section that affects or is presumed to affect the particulate matter emission rate for that model line. The manufacturer of an affected wood heater must apply to the Administrator for potential recertification by submitting the material specified in paragraph (b) and following the procedures specified in paragraph (f) of this section, or by affirming in writing that the change will not cause wood heaters in the model line to exceed applicable emission limits and requesting a potential waiver from certification testing. The application for recertification must be reviewed and approved by the contracted third-party certifier and a copy of the review and approval must be included. The Administrator may waive this requirement upon written request by the manufacturer, if the manufacturer presents adequate rationale and the Administrator determines that the change may not reasonably be anticipated to cause wood heaters in the model line to exceed the applicable emission limits. The granting of such a waiver does not relieve the manufacturer of any compliance obligations under this subpart.

(2) Any change in the design tolerances or actual dimensions of any of the following components (where such components are applicable) is presumed to affect particulate matter and carbon monoxide emissions and efficiency if that change exceeds  $\pm 0.64$  cm ( $\pm 1/4$  inch) for any linear dimension and  $\pm 5$  percent for any cross-sectional area relating to air introduction systems and catalyst bypass gaps unless other dimensions and cross-sectional areas are previously approved by the Administrator under paragraph (c)(1)(ii) of this section:

(i) Firebox: Dimensions;

(ii) Air introduction systems: Cross-sectional area of restrictive air inlets and outlets, location and method of control;

(iii) Baffles: Dimensions and locations;

(iv) Refractory/insulation: Dimensions and location;

(v) Catalyst: Dimensions and location;

(vi) Catalyst bypass mechanism and catalyst bypass gap tolerances (when bypass mechanism is in closed position): Dimensions, cross-sectional area, and location;

(vii) Flue gas exit: Dimensions and location;

(viii) Door and catalyst bypass gaskets: Dimensions and fit;

(ix) Outer thermal shielding and thermal coverings: Dimensions and location;

(x) Fuel feed system: For wood heaters that are designed primarily to burn pellet fuel or wood chips and other wood heaters equipped with a fuel feed system, the fuel feed rate, auger motor design and power rating, and the angle of the auger to the firebox; and

(xi) Forced-air combustion system: For wood heaters so equipped, the location and horsepower of blower motors and the fan blade size.

(3) Any change in the materials used for the following components is presumed to affect particulate matter emissions and efficiency:

(i) Refractory/insulation; or

(ii) Door and catalyst bypass gaskets.

(4) A change in the make, model or composition of a catalyst is presumed to affect particulate matter and carbon monoxide emissions and efficiency, unless the change has been requested by the heater manufacturer and has been approved in advance by the Administrator, based on test data that demonstrate that the replacement catalyst is equivalent to or better than the original catalyst in terms of particulate matter emission reduction.

(l) *Criteria for revocation of certification.* (1) The Administrator may revoke certification if it is determined that the wood heaters being manufactured or sold in that model line do not comply with the requirements of this subpart. Such a determination will be based on all available evidence, including but not limited to:

(i) Test data from a retesting of the original unit on which the certification test was conducted or a unit that is similar in all material respects that would affect emissions;

(ii) A finding that the certification test was not valid. The finding will be based on problems or irregularities with the certification test or its documentation, but may be supplemented by other information;

(iii) A finding that the labeling of the wood heater model line, the owner's manual or the associated marketing information does not comply with the requirements of § 60.536;

(iv) Failure by the manufacturer to comply with reporting and recordkeeping requirements under § 60.537;

(v) Physical examination showing that a significant percentage (as defined in the quality assurance plan approved pursuant to paragraph (m) of this section, but no larger than 1 percent) of production units inspected is not similar in all material respects that would affect emissions to the representative affected wood heater submitted for certification testing;

(vi) Failure of the manufacturer to conduct a quality assurance program in conformity with paragraph (m) of this section; or

(vii) Failure of the approved laboratory to test the wood heater using the methods specified in § 60.534.

(2) Revocation of certification under this paragraph (l) will not take effect until the manufacturer concerned has been given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity to request a hearing under § 60.539.

(m) *Quality assurance program.* On or after May 16, 2016, for each certified model line, the manufacturer must conduct a quality assurance program that satisfies the requirements of paragraphs (m)(1) through (5) of this section. The quality assurance program requirements of this paragraph (m) supersede the quality assurance plan requirements previously specified in § 60.533(o) that was in effect prior to May 15, 2015. The manufacturer of a model line with a compliance certification under paragraph (h)(1) of this section must conduct a quality assurance program that satisfies the requirements of this paragraph (m) by May 16, 2016.

(1) The manufacturer must prepare and operate according to a quality assurance plan for each certified model line that includes specific inspection and testing requirements for ensuring that all units within a model line are similar in all material respects that would affect emissions to the wood heater submitted for certification testing and meet the emissions standards in § 60.532.

(2) The quality assurance plan must be approved by the third-party certifier as part of the certification of conformity process specified in paragraph (f) of this section.

(3) The quality assurance plan must include regular (at least annual) unannounced audits by the third-party certifier under ISO-IEC Standard 17065 to ensure that the manufacturer's quality assurance plan is being implemented.

(4) The quality assurance plan must include a report for each audit under ISO-IEC Standard 17065 that fully documents the results of the audit. The third-party certifier must be authorized and required to submit all such reports to the Administrator and the manufacturer within 30 days of the audit. The audit report must identify deviations from the manufacturer's quality assurance plan and specify the corrective actions that need to be taken to address each identified deficiency.

(5) Within 30 days after receiving each audit report, the manufacturer must report to the third-party certifier and to the Administrator its corrective actions and responses to any deficiencies identified in the audit report. No such report is required if an audit report did not identify any deficiencies.

(n) *EPA compliance audit testing.*

(1)(i) The Administrator may select by written notice wood heaters or model lines for compliance audit testing to determine compliance with the emission standards in § 60.532.

(ii) The Administrator will transmit a written notification of the selected wood heaters or model line(s) to the manufacturer, which will include the name and address of the laboratory selected to perform the audit test and the model name and serial number of the wood heater(s) or model line(s) selected to undergo audit testing.

(2)(i) The Administrator may test, or direct the manufacturer to have tested, a wood heater or a wood heater from the model line(s) selected under paragraph (n)(1)(i) of this section in a laboratory approved under § 60.535. The Administrator may select any approved test laboratory or federal laboratory for this audit testing.

(ii) The expense of the compliance audit test is the responsibility of the wood heater manufacturer.

(iii) The test must be conducted using the same test method used to obtain certification. If the certification test consisted of more than one particulate matter sampling test method, the Administrator may direct the manufacturer and test laboratory as to which of these methods to use for the purpose of audit testing. The Administrator will notify the manufacturer at least 30 days prior to any test under this paragraph, and allow the manufacturer and/or his authorized representatives to observe the test.

(3) *Revocation of certification.* (i) If emissions from a wood heater tested under paragraph (n)(2) of this section exceed the applicable emission standard by more than 50 percent using the same test method used to obtain certification, the Administrator will notify the manufacturer that certification for that model line is suspended effective 72 hours from the receipt of the notice, unless the suspension notice is withdrawn by the Administrator. The suspension will remain in effect until withdrawn by the Administrator, or the date 30 days from its effective date if a revocation notice under paragraph (n)(3)(ii) of this section is not issued within that period, or the date of final agency action on revocation, whichever occurs earliest.

(ii)(A) If emissions from a wood heater tested under paragraph (n)(2) of this section exceed the applicable emission limit, the Administrator will notify the manufacturer that certification is revoked for that model line.

(B) A revocation notice under paragraph (n)(3)(ii)(A) of this section will become final and effective 60 days after the date of written notification to the manufacturer, unless it is withdrawn, a hearing is requested under § 60.539(a)(2), or the deadline for requesting a hearing is extended.

(C) The Administrator may extend the deadline for requesting a hearing for up to 60 days for good cause.

(D) A manufacturer may extend the deadline for requesting a hearing for up to 6 months, by agreeing to a voluntary suspension of certification.

(iii) Any notification under paragraph (n)(3)(i) or (n)(3)(ii) of this section will include a copy of a preliminary test report from the approved test laboratory or federal test laboratory. The test laboratory must provide a preliminary test report to the Administrator within 14 days of the completion of testing, if a wood heater exceeds the applicable emission limit in § 60.532. The test laboratory must provide the Administrator and the manufacturer, within 30 days of the completion of testing, all documentation pertaining to the test, including the complete test report and raw data sheets, laboratory technician notes, and test results for all test runs.

(iv) Upon receiving notification of a test failure under paragraph (n)(3)(ii) of this section, the manufacturer may request that up to four additional wood heaters from the same model line be tested at the manufacturer's expense, at the test laboratory that performed the emissions test for the Administrator.

(v) Whether or not the manufacturer proceeds under paragraph (n)(3)(iv) of this section, the manufacturer may submit any relevant information to the Administrator, including any other test data generated pursuant to this subpart. The manufacturer must bear the expense of any additional testing.

(vi) The Administrator will withdraw any notice issued under paragraph (n)(3)(ii) of this section if tests under paragraph (n)(3)(iv) of this section show either—

(A) That exactly four additional wood heaters were tested for the manufacturer and all four met the applicable emission limits; or

(B) That exactly two additional wood heaters were tested for the manufacturer and each of them met the applicable emission limits and the average emissions of all three tested heaters (the original audit heater and the two additional heaters) met the applicable emission limits.

(vii) If the Administrator withdraws a notice pursuant to paragraph (n)(3)(vi) of this section, the Administrator will revise the certification values for the model line based on the test data and other relevant information. The manufacturer must then revise the model line's labels and marketing information accordingly.

(viii) The Administrator may withdraw any proposed revocation, if the Administrator finds that an audit test failure has been rebutted by information submitted by the manufacturer under paragraph (n)(3)(iv) of this section and/or (n)(3)(v) of this section or by any other relevant information available to the Administrator.

**§ 60.534 What test methods and procedures must I use to determine compliance with the standards and requirements for certification?**

Test methods and procedures specified in this section or in appendices of this part, except as provided under § 60.8(b), must be used to determine compliance with the standards and requirements for certification under §§ 60.532 and 60.533 and for reporting carbon monoxide emissions and efficiency as follows:

(a)(1) For affected wood heaters subject to the 2015 and 2020 particulate matter emission standards of §§ 60.532(a) and (b), the manufacturer must have an EPA-approved test laboratory conduct testing according to paragraphs (a)(1)(i) or (ii) of this section. The manufacturer or manufacturer's authorized representative must submit a summary and the full test reports with all supporting information, including

detailed discussion of all anomalies, whether all burn rate categories were properly achieved, any data not used in the calculations and, for any test runs not completed, the data that were collected and the reason that the test run was not completed. The burn rate for the low burn rate category must be no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer. The manufacturer has the option of submitting test results obtained pursuant to either paragraph (a)(1)(i) or (ii) of this section to the Administrator as specified under § 60.537 as part of a request for a certification of compliance.

(i) Conduct testing with crib wood using EPA Method 28R of Appendix A–8 of this part or an alternative crib wood test method approved by the Administrator or the ASTM E2779–10 (IBR, see § 60.17) pellet heater test method to establish the certification test conditions and the particulate matter emission values.

(ii) Conduct testing with cord wood using an alternative cord wood test method approved by the Administrator to establish the certification test conditions and the particulate matter emission values.

(2) For the 2020 cord wood alternative means of compliance option specified in § 60.532(c), the manufacturer must have an EPA-approved test laboratory conduct testing with cord wood using an alternative cord wood test method approved by the Administrator to establish the certification test conditions and the particulate matter emission values.

(b) [Reserved]

(c) For affected wood heaters subject to the 2015 and 2020 particulate matter emission standards specified in § 60.532(a), (b) and (c), particulate matter emission concentrations must be measured with ASTM E2515–11 (IBR, see § 60.17). Four-inch filters and Teflon membrane filters or Teflon-coated glass fiber filters may be used in ASTM E2515–11.

(d) For all tests conducted using ASTM E2515–11 (IBR, see § 60.17) pursuant to this section, the manufacturer and approved test laboratory must also measure the first hour of particulate matter emissions for each test run using a separate filter in one of the two parallel trains. The manufacturer and approved test laboratory must report the test results for the first hour separately and also include them in the total particulate matter emissions per run.

(e) The manufacturer must have the approved test laboratory measure the

efficiency, heat output and carbon monoxide emissions of the tested wood heater using Canadian Standards Administration (CSA) Method B415.1–10 (IBR, see § 60.17), section 13.7.

(f) Douglas fir may be used in ASTM E2779–10, ASTM E2780–10 and CSA B415.1–10 (IBR, see § 60.17).

(g) The manufacturer of an affected wood heater model line must notify the Administrator of the date that certification testing is scheduled to begin by email to [WoodHeaterReports@epa.gov](mailto:WoodHeaterReports@epa.gov). This notice must be received by the EPA at least 30 days before the start of testing. The notification of testing must include the manufacturer's name and physical and email addresses, the approved test laboratory's name and physical and email addresses, the third-party certifier name, the model name and number (or, if unavailable, some other way to distinguish between models), and the dates of testing. The laboratory may substitute certification testing of another affected wood heater on the original date in order to ensure regular laboratory testing operations.

(h) The approved test laboratory must allow the manufacturer, the manufacturer's approved third-party certifier, the EPA and delegated state regulatory agencies to observe certification testing. However, manufacturers must not involve themselves in the conduct of the test after the pretest burn has begun. Communications between the manufacturer and laboratory or third-party certifier personnel regarding operation of the wood heater must be limited to written communications transmitted prior to the first pretest burn of the certification test series. During certification tests, the manufacturer may communicate with laboratory personnel only in writing and only to notify them that the manufacturer has observed a deviation from proper test procedures. All communications must be included in the test documentation required to be submitted pursuant to § 60.533(b)(5) and must be consistent with instructions provided in the owner's manual required under § 60.536(g), except to the extent that they address details of the certification tests that would not be relevant to owners or regulators.

**§ 60.535 What procedures must I use for EPA approval of a test laboratory or EPA approval of a third-party certifier?**

(a) *Test laboratory approval.* (1) A laboratory must apply to the Administrator for approval to test under this rule by submitting documentation that the laboratory is accredited by a nationally recognized accrediting entity under ISO–IEC Standard 17025 to

perform testing using the test methods specified under § 60.534. Laboratories accredited by EPA prior to May 15, 2015 may have until March 16, 2018 to submit documentation that they have accreditation under ISO–IEC Standard 17025 to perform testing using the test methods specified under § 60.534. ISO accreditation is required for all other laboratories performing testing beginning on November 16, 2015.

(2) As part of the application, the test laboratory must:

(i) Agree to participate biennially in an independently operated proficiency testing program with no direct ties to the participating laboratories;

(ii) Agree to allow the Administrator, regulatory agencies and third-party certifiers access to observe certification testing;

(iii) Agree to comply with calibration, reporting and recordkeeping requirements that affect testing laboratories; and

(iv) Agree to perform a compliance audit test at the manufacturer's expense at the testing cost normally charged to such manufacturer if the laboratory is selected by the Administrator to conduct the compliance audit test of the manufacturer's model line. The test laboratory must provide a preliminary audit test report to the Administrator within 14 days of the completion of testing, if the tested wood heater exceeds the applicable emission limit in § 60.532. The test laboratory must provide the Administrator and the manufacturer, within 30 days of the completion of audit testing, all documentation pertaining to the test, including the complete test report and raw data sheets, laboratory technician notes, and test results for all test runs.

(v) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.533.

(vi) Agree to not perform initial certification tests on any models manufactured by a manufacturer for which the laboratory has conducted research and development design services within the last 5 years.

(vii) Agree to seal any wood heater on which it performed certification tests, immediately upon completion or suspension of certification testing, by using a laboratory-specific seal.

(viii) Agree to immediately notify the Administrator of any suspended tests through email and in writing, giving the date suspended, the reason(s) why, and the projected date for restarting. The laboratory must submit the operation and test data obtained, even if the test is not completed.

(3) If the EPA approves the laboratory, the Administrator will provide the test laboratory with a certificate of approval for testing under this rule. If the EPA does not approve the laboratory, the Administrator will give written notice to the laboratory setting forth the basis for the determination.

*(b) Revocation of test laboratory approval.*

(1) The Administrator may revoke the EPA laboratory approval if it is determined that the laboratory:

(i) Is no longer accredited by the accreditation body;

(ii) Does not follow required procedures or practices;

(iii) Has falsified data or otherwise misrepresented emission data;

(iv) Has failed to participate in a proficiency testing program, in accordance with its commitment under paragraph (a)(2)(i) of this section; or

(v) Has failed to seal a wood heater in accordance with paragraph (a)(2)(vii) of this section.

(2) Revocation of approval under this paragraph (b) will not take effect until the laboratory concerned has been given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.539. However, if revocation is ultimately upheld, all tests conducted by the laboratory after written notice was given will, at the discretion of the Administrator, be declared invalid.

*(c) Period of test laboratory approval*

(1) With the exception of laboratories meeting the provisions of paragraph (c)(2) of this section, and unless revoked sooner, a certificate of approval for testing under this rule is valid for 5 years from the date of issuance.

(2) Laboratories accredited by the EPA by May 15, 2015, under the provisions of § 60.535 as in effect prior to that date may continue to be EPA accredited and deemed EPA approved for testing under this subpart until May 15, 2018, at which time the EPA accreditation and approval ends unless the laboratory has obtained accreditation under § 60.535 as in effect on that date.

*(d) Third-party certifier approval.* (1)

A third-party certifier may apply to the Administrator for approval to be an EPA-approved third-party certifier by submitting credentials demonstrating that it has been accredited by a nationally recognized accrediting entity to perform certifications and inspections under ISO–IEC Standard 17025, ISO–IEC Standard 17065 and ISO–IEC Standard 17020.

(2) As part of the application, the third-party certifier must:

(i) Agree to offer to contract with wood heater manufacturers to perform

third-party certification activities according to the requirements of this subpart;

(ii) Agree to periodically conduct audits as described in § 60.533(m) and the manufacturer's quality assurance program;

(iii) Agree to comply with reporting and recordkeeping requirements that affect approved wood heater testing laboratories and third-party certifiers;

(iv) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.533;

(v) Agree to make available to the Administrator supporting documentation for each wood heater certification and audit; and

(vi) Agree to not perform initial certification reviews on any models manufactured by a manufacturer for which the third-party certifier has conducted research and development design services within the last 5 years.

(3) If approved, the Administrator will provide the third-party certifier with a certificate of approval. The approval will expire 5 years after being issued unless renewed by the third-party certifier. If the EPA denies the approval, the Administrator will give written notice to the third-party certifier for the basis for the determination.

(e) *Revocation of third-party certifier approval.* (1) The Administrator will revoke a third-party certifier's EPA approval if it is determined that the certifier;

(i) Is no longer accredited by the accreditation body;

(ii) Does not follow required procedures or practices; or

(iii) Has falsified certification data or otherwise misrepresented emission data.

(2) Revocation of approval under this paragraph (e) will not take effect until the certifier concerned is given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.539. However, if revocation is upheld, all certifications by the certifier after written notice was given will, at the discretion of the Administrator, be declared invalid.

**§ 60.536 What requirements must I meet for permanent labels, temporary labels (hangtags) and owner's manuals?**

(a) *General permanent label requirements.* (1) Each affected wood heater manufactured on or after the date the applicable standards come into effect as specified in § 60.532, must have a permanent label affixed to it that meets the requirements of this section.

(2) Except for wood heaters subject to § 60.530(b)(1) through (5), the

permanent label must contain the following information:

(i) Month and year of manufacture of the individual unit;

(ii) Model name or number;

(iii) Certification test emission value, test method and standard met (e.g., 2015, 2020 crib wood, or 2020 cord wood); and

(iv) Serial number.

(3) The permanent label must:

(i) Be affixed in a readily visible or readily accessible location in such a manner that it can be easily viewed before and after the appliance is installed (an easily-removable facade may be used for aesthetic purposes, however the bottom of a free-standing heater is not considered to be readily visible or readily accessible);

(ii) Be at least 8.9 cm long and 5.1 cm wide (3½ inches long and 2 inches wide);

(iii) Be made of a material expected to last the lifetime of the wood heater;

(iv) Present the required information in a manner so that it is likely to remain legible for the lifetime of the wood heater; and

(v) Be affixed in such a manner that it cannot be removed from the appliance without damage to the label.

(4) The permanent label may be combined with any other label, as long as the required information is displayed, the integrity of the permanent label is not compromised, and the permanent label meets the requirements in § 60.536(a)(3).

(5) Any label statement under paragraph (b) or (c) of this section constitutes a representation by the manufacturer as to any wood heater that bears it:

(i) That a certification of compliance was in effect at the time the wood heater left the possession of the manufacturer;

(ii) That the manufacturer was, at the time the label was affixed, conducting a quality assurance program in conformity with § 60.533(m); and

(iii) That all wood heaters individually tested for emissions by the manufacturer under its quality assurance program pursuant to § 60.533(m) met the applicable emissions limits.

(b) *Permanent label requirements for adjustable burn rate wood heaters and pellet stoves.* If an adjustable burn rate wood heater or pellet stove belongs to a model line certified under § 60.533, and no wood heater in the model line has been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards. Not approved for sale after May 15, 2020." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using crib wood." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards using cord wood."

(c) *Permanent label requirements for single burn rate wood heaters.* If the single burn rate wood heater belongs to a model line certified under § 60.533, and no heater in the model line has been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2015 particulate emission standards for single burn rate heaters. Not approved for sale after May 15, 2020. This single burn rate wood heater is not approved for use with a flue damper." or

"U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with 2020 particulate emission standards for single burn rate heaters. This single burn rate wood heater is not approved for use with a flue damper."

(d) *Additional permanent label content.* The permanent label for all certified wood heaters must also contain the following statement:

"This wood heater needs periodic inspection and repair for proper operation. Consult the owner's manual for further information. It is against federal regulations to operate this wood heater in a manner inconsistent with the operating instructions in the owner's manual."

(e) *Permanent label requirements for affected wood heaters with exemptions under § 60.530(b).* (1) If an affected wood heater is manufactured in the United States for export as provided in § 60.530(b)(1), the following statement must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Export stove. May not be sold or operated within the United States."

(2) If an affected wood heater is manufactured for use for research and development purposes as provided in § 60.530(b)(2), the following statement must appear on the permanent label:

"U.S. ENVIRONMENTAL PROTECTION AGENCY Not certified. Research

Stove. Not approved for sale or for operation other than for research.”

(3) If a wood heater is exclusively a non-wood-burning heater as provided § 60.530(b)(3), the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This heater is not certified for wood burning. Use of any wood fuel is a violation of federal regulations.”

(4) If an affected wood heater is a cook stove that meets the definition in § 60.531, the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This unit is not a certified residential wood heater. The primary use for this unit is for cooking or baking.”

(5) If an affected wood heater is a camp stove that meets the definition in § 60.531, the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This unit is not a certified residential wood heater. For portable and temporary use only.”

(f) *Temporary label (hangtag) voluntary option.* (1) Each model certified to meet the 2020 particulate matter emission standards of § 60.532(b) prior May 15, 2020 may display the temporary labels (hangtags) specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(2) The hangtags in paragraph (f)(1) of this section end on May 15, 2020.

(3) Each model certified to meet the 2020 Cord Wood Alternative Compliance Option of § 60.532(c) may display the cord wood temporary label specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(g) *Owner's manual requirements.* (1) Each affected wood heater offered for sale by a commercial owner must be accompanied by an owner's manual that must contain the information listed in paragraph (g)(2) of this section (pertaining to installation) and paragraph (g)(3) of this section (pertaining to operation and maintenance). Such information must be adequate to enable consumers to achieve optimal emissions performance. Such information must be consistent with the operating instructions provided by the manufacturer to the approved test laboratory for operating the wood heater during certification testing, except for details of the certification test that would not be relevant to the user. The

commercial owner must also make current and historical owner's manuals available on the company Web site and upon request to the EPA.

(2) Guidance on proper installation, include stack height, location and achieving proper draft.

(3) Proper operation and maintenance information, including minimizing visible emissions:

(i) Fuel loading and re-loading procedures; recommendations on fuel selection and warnings on what fuels not to use, such as unseasoned wood, treated wood, colored paper, cardboard, solvents, trash and garbage;

(ii) Fire starting procedures;

(iii) Proper use of air controls, including how to establish good combustion and how to ensure good combustion at the lowest burn rate for which the heater is warranted;

(iv) Ash removal procedures;

(v) Instructions for replacement of gaskets, air tubes and other parts that are critical to the emissions performance of the unit, and other maintenance and repair instructions;

(vi) For catalytic or hybrid models, information on the following pertaining to the catalytic combustor: Procedures for achieving and maintaining catalyst activity, maintenance procedures, procedures for determining deterioration or failure, procedures for replacement and information on how to exercise warranty rights;

(vii) For catalytic or hybrid models, the following statement—

“This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual, or if the catalytic element is deactivated or removed.”

(viii) For noncatalytic models, the following statement—

“This wood heater needs periodic inspection and repair for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual.”

(4) Any manufacturer using the EPA-recommended language contained in Appendix I of this part to satisfy any requirement of this paragraph (g) will be considered to be in compliance with that requirement, provided that the particular language is printed in full, with only such changes as are necessary to ensure accuracy for the particular wood heater model line.

(h) Wood heaters that are affected by this subpart, but that have been owned

and operated by a noncommercial owner, are not subject to paragraphs (f) and (g) of this section when offered for resale.

#### **§ 60.537 What records must I keep and what reports must I submit?**

(a)(1) Each manufacturer who holds a certificate of compliance pursuant to § 60.533(c), (e) or (f) for a model line must maintain records containing the information required by paragraph (a)(2) through (4) of this section with respect to that model line for at least 5 years.

(2) All documentation pertaining to the certification test used to obtain certification, including the full test report and raw data sheets, laboratory technician notes, calculations, the test results for all test runs, and discussions of the appropriateness and validity of all test runs, including runs attempted but not completed. The retained certification test documentation must include, as applicable, detailed discussion of all anomalies, whether all burn rate categories were properly achieved, any data not used in the calculations and, for any test runs not completed, the data that were collected and the reason that the test run was not completed. The retained certification test also must include documentation that the burn rate for the low burn rate category was no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer.

(3) Results of the quality assurance program inspections pursuant to § 60.533(m).

(4) For emissions tests conducted pursuant to the quality assurance program required by § 60.533(m), all test reports, data sheets, laboratory technician notes, calculations, and test results for all test runs, the corrective actions taken, if any, and any follow-up actions such as additional testing.

(b) Each approved test laboratory and third-party certifier must maintain records consisting of all documentation pertaining to each certification test, quality assurance program inspection and audit test, including the full test report and raw data sheets, technician notes, calculations, and the test results for all test runs. Each approved test laboratory must submit accreditation credentials and all proficiency test results to the Administrator. Each third-party certifier must submit each certification test, quality assurance program inspection report and ISO IEC accreditation credentials to the Administrator.

(c) Each manufacturer must retain each wood heater upon which certification tests were performed based



upon which certification was granted under § 60.533(c) or (f) at the manufacturer's facility for a minimum of 5 years after the certification test. Each wood heater must remain sealed and unaltered. Any such wood heater must be made available to the Administrator upon request for inspection and testing.

(d) Each manufacturer of an affected wood heater model line certified under § 60.533(c) or (f) must submit a report to the Administrator every 2 years following issuance of a certificate of compliance for each model line. This report must include the sales for each model by state and certify that no changes in the design or manufacture of this model line have been made that require recertification under § 60.533(k).

(e)(1) Unless otherwise specified, all records required under this section must be maintained by the manufacturer, commercial owner of the affected wood heater, approved test laboratory or third-party certifier for a period of no less than 5 years.

(2) Unless otherwise specified, all reports to the Administrator required under this subpart must be made to: *WoodHeaterReports@epa.gov*.

(f) Within 60 days after the date of completing each performance test, *e.g.*, initial certification test, tests conducted for quality assurance, and tests for renewal or recertification, each manufacturer must submit the performance test data electronically to *WoodHeaterReports@epa.gov*. Owners or operators who claim that some of the information being submitted is CBI (*e.g.*, design drawings) must submit a complete file, including the information claimed to be CBI, on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives) by mail, and the same file, with the CBI omitted, electronically. The compact disk must be clearly marked as CBI and mailed to U.S. EPA, OECA CBI Office, Attention: Residential Wood Heater Compliance Program Lead, 1200 Pennsylvania Avenue NW., Washington, DC 20004. Emission data, including all information necessary to determine compliance, except sensitive engineering drawings and sensitive detailed material specifications, may not be claimed as CBI.

(g) Within 30 days of receiving a certification of compliance for a model line, the manufacturer must make the full non-CBI test report and the summary of the test report available to the public on the manufacturer's Web site.

(h) Each manufacturer who uses the exemption for R&D heaters under § 60.530(b)(2) must maintain records for

at least 5 years documenting where the heaters were located, that the heaters were never offered for sale or sold and that the heaters were not used for the purpose of heating.

#### **§ 60.538 What activities are prohibited under this subpart?**

(a) No person is permitted to advertise for sale, offer for sale, sell or operate an affected wood heater that does not have affixed to it a permanent label pursuant to § 60.536 (b) through (e), as applicable.

(b) No person is permitted to advertise for sale, offer for sale, or sell an affected wood heater labeled under § 60.536(e)(1) except for export. No person is permitted to operate an affected wood heater in the United States if it is labeled under § 60.536(e)(1).

(c)(1) No commercial owner is permitted to advertise for sale, offer for sale or sell an affected wood heater permanently labeled under § 60.536 (b) through (d), as applicable, unless:

(i) The affected wood heater has been certified to comply with the 2015 or 2020 particulate matter emission standards pursuant to § 60.532, as applicable. This prohibition does not apply to wood heaters affected by this subpart that have been previously owned and operated by a noncommercial owner; and

(ii) The commercial owner provides any purchaser or transferee with an owner's manual that meets the requirements of § 60.536(g) and a copy of the warranty.

(2) No commercial owner is permitted to advertise for sale, offer for sale, or sell an affected wood heater permanently labeled under § 60.536(b) and (c), unless the affected wood heater has been certified to comply with the 2015 or 2020 particulate matter emission standards of § 60.532, as applicable.

(3) A commercial owner other than a manufacturer complies with the requirements of paragraph (c)(1) of this section if the commercial owner—

(i) Receives the required documentation from the manufacturer or a previous commercial owner; and

(ii) Provides that documentation unaltered to any person to whom the wood heater that it covers is sold or transferred.

(d)(1) In any case in which the Administrator revokes a certificate of compliance either for the submission of false or inaccurate information or other fraudulent acts, or based on a finding under § 60.533(l)(1)(ii) that the certification test was not valid, the Administrator may give notice of that revocation and the grounds for it to all commercial owners.

(2) On and after the date of receipt of the notice given under paragraph (d)(1) of this section, no commercial owner is permitted to sell any wood heater covered by the revoked certificate (other than to the manufacturer) unless the model line has been recertified in accordance with this subpart.

(e) No person is permitted to install or operate an affected wood heater except in a manner consistent with the instructions on its permanent label and in the owner's manual pursuant to § 60.536(g), including only using fuels for which the unit is certified.

(f) No person is permitted to operate, sell or offer for sale an affected wood heater that was originally equipped with a catalytic combustor if the catalytic element is deactivated or removed.

(g) No person is permitted to operate, sell or offer for sale an affected wood heater that has been physically altered to exceed the tolerance limits of its certificate of compliance, pursuant to § 60.533(k).

(h) No person is permitted to alter, deface, or remove any permanent label required to be affixed pursuant to § 60.536(a) through (e), as applicable.

(i) If a temporary label is affixed to the wood heater, retailers may not sell or offer for sale that wood heater unless the temporary label affixed is in accordance with § 60.536(f), as applicable.

#### **§ 60.539 What hearing and appeal procedures apply to me?**

(a)(1) The affected manufacturer, laboratory or third-party certifier may request a hearing under this section within 30 days following receipt of the required notification in any case where the Administrator—

(i) Denies an application for a certificate of compliance under § 60.533(c) or § 60.533(f);

(ii) Denies an application for a renewal of certification under § 60.533(i);

(iii) Issues a notice of revocation of certification under § 60.533(1);

(iv) Denies an application for laboratory approval under § 60.535(a);

(v) Issues a notice of revocation of laboratory approval under § 60.535(b);

(vi) Denies an application for third-party certifier approval under § 60.535(d); or

(vii) Issues a notice of revocation of third-party certifier approval under § 60.535(e).

(2) In any case where the Administrator issues a notice of revocation under § 60.533(n)(3)(ii), the manufacturer may request a hearing under this section with the time limits set out in § 60.533(n)(3)(ii).

(b) Any hearing request must be in writing, must be signed by an



authorized representative of the petitioning manufacturer or laboratory and must include a statement setting forth with particularity the petitioner's objection to the Administrator's determination or proposed determination.

(c)(l) Upon receipt of a request for a hearing under paragraph (a) of this section, the Administrator will request the Chief Administrative Law Judge to designate an Administrative Law Judge as Presiding Officer for the hearing. If the Chief Administrative Law Judge replies that no Administrative Law Judge is available to perform this function, the Administrator will designate a Presiding Officer who has not had any prior responsibility for the matter under review, and who is not subject to the direct control or supervision of someone who has had such responsibility.

(2) The hearing will commence as soon as practicable at a time and place fixed by the Presiding Officer.

(3)(i) A motion for leave to intervene in any proceeding conducted under this section must set forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (c)(3)(iii) of this section, within 10 days after service of the motion for leave to intervene.

(ii) A motion for leave to intervene in a proceeding must ordinarily be filed before the first prehearing conference or, in the absence of a prehearing conference, prior to the setting of a time and place for a hearing. Any motion filed after that time must include, in addition to the information set forth in paragraph (c)(3)(i) of this section, a statement of good cause for the failure to file in a timely manner. The intervenor shall be bound by any agreements, arrangements and other matters previously made in the proceeding.

(iii) A motion for leave to intervene may be granted only if the movant demonstrates that his presence in the proceeding would not unduly prolong or otherwise prejudice the adjudication of the rights of the original parties, and that movant may be adversely affected by a final order. The intervenor will become a full party to the proceeding upon the granting of leave to intervene.

(iv) Persons not parties to the proceeding may move for leave to file amicus curiae briefs. The movant must

state his interest and the reasons why the proposed amicus brief is desirable. If the motion is granted, the Presiding Officer or Administrator will issue an order setting the time for filing such brief. An amicus curiae may participate in any briefing after his motion is granted, and will be served with all briefs, reply briefs, motions and orders relating to issues to be briefed.

(4) In computing any period of time prescribed or allowed in this subpart, the day of the event from which the designated period begins to run will not be included. Saturdays, Sundays and federal legal holidays will be included. When a stated time expires on a Saturday, Sunday or legal holiday, the stated time period will be extended to include the next business day.

(d)(l) Upon his appointment, the Presiding Officer must establish a hearing file. The file will consist of the notice issued by the Administrator under §§ 60.533(c)(2), 60.533(f)(3), 60.533(i)(4), 60.533(l)(2), 60.533(n)(3)(ii)(A), 60.535(a)(3), 60.535(b)(2), 60.535(d)(3) or 60.535(e)(2) together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification or approval or the proposed revocation of either.

(2) The hearing file must be available for inspection by any party, to the extent authorized by law, at the office of the Presiding Officer, or other place designated by him.

(e) Any party may appear in person, or may be represented by counsel or by any other duly authorized representative.

(f)(l) The Presiding Officer upon the request of any party, or at his discretion, may order a prehearing conference at a time and place specified by him to consider the following:

- (i) Simplification of the issues,
- (ii) Stipulations, admissions of fact, and the introduction of documents,
- (iii) Limitation of the number of expert witnesses,
- (iv) Possibility of agreement disposing of all or any of the issues in dispute,
- (v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference must be reduced to writing by the Presiding Officer and made part of the record.

(g)(l) Hearings will be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer will call to the attention of witnesses that their statements may be subject to penalties under title 18 U.S.C. 1001 for knowingly making false statements or representations or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties or their representatives.

(4) Hearings must be recorded verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations and similar data offered in evidence at the hearings must, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy and materiality, be received in evidence and will constitute a part of the record.

(h)(l) The Presiding Officer will make an initial decision which must include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the record. The findings, conclusions and written decision must be provided to the parties and made a part of the record. The initial decision will become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator. Except as provided in paragraph (h)(3) of this section, any such appeal must be taken within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision, the Administrator will have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator must include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the appeal or considered in the review.

(3) In any hearing requested under paragraph (a)(2) of this section the Presiding Officer must render the initial decision within 60 days of that request. Any appeal to the Administrator must be taken within 10 days of the initial decision, and the Administrator must render a decision in that appeal within 30 days of the filing of the appeal.

**§ 60.539a Who implements and enforces this subpart?**

(a) Under section 111(c) of the Clean Air Act, the Administrator may delegate the following implementation and enforcement authority to a state, local or tribal authority upon request:

(1) Enforcement of prohibitions on the installation and operation of affected wood heaters in a manner inconsistent with the installation and owner's manual;

(2) Enforcement of prohibitions on operation of catalytic wood heaters where the catalyst has been deactivated or removed;

(3) Enforcement of prohibitions on advertisement and/or sale of uncertified model lines;

(4) Enforcement of prohibitions on advertisement and/or sale of affected heaters that do not have required permanent label;

(5) Enforcement of proper labeling of affected wood heaters; and

(6) Enforcement of compliance with other labeling requirements for affected wood heaters.

(7) Enforcement of certification testing procedures;

(8) Enforcement of requirements for sealing of the tested heaters and meeting parameter limits; and

(9) Enforcement of compliance requirements of EPA-approved laboratories.

(b) Delegations shall not include:

(1) Decisions on certification;

(2) Revocation of certification;

(3) Establishment or revision of standards;

(4) Establishment or revision of test methods;

(5) Laboratory and third-party certifier approvals and revocations;

(6) Enforcing provisions governing content of owner's manuals; and

(7) Hearings and appeals procedures.

(c) Nothing in these delegations will prohibit the Administrator from enforcing any applicable requirements.

(d) Nothing in these delegations will limit delegated entities from using their authority under section 116 of the Clean Air Act to adopt or enforce more restrictive requirements.

**§ 60.539b What parts of the General Provisions do not apply to me?**

The following provisions of subpart A of part 60 do not apply to this subpart:

(a) Section 60.7;

(b) Section 60.8(a), (c), (d), (e), (f) and (g);

(c) Section 60.14; and

(c) Section 60.15(d).

**Subpart PPPP—[Reserved]**

■ 4. Subpart PPPP is added and reserved.

■ 5. Subpart QQQQ is added to read as follows:

**Subpart QQQQ—Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces**

Sec.

60.5472 Am I subject to this subpart?

60.5473 What definitions must I know?

60.5474 What standards and requirements must I meet and by when?

60.5475 What compliance and certification requirements must I meet and by when?

60.5476 What test methods and procedures must I use to determine compliance with the standards and requirements for certification?

60.5477 What procedures must I use for EPA approval of a test laboratory or EPA approval of a third-party certifier?

60.5478 What requirements must I meet for permanent labels, temporary labels (hangtags), and owner's manuals?

60.5479 What records must I keep and what reports must I submit?

60.5480 What activities are prohibited under this subpart?

60.5481 What hearing and appeal procedures apply to me?

60.5482 Who implements and enforces this subpart?

60.5483 What parts of the General Provisions do not apply to me?

**Subpart QQQQ—Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces****§ 60.5472 Am I subject to this subpart?**

(a) You are subject to this subpart if you manufacture, sell, offer for sale, import for sale, distribute, offer to distribute, introduce or deliver for introduction into commerce in the United States, or install or operate a residential hydronic heater, forced-air furnace or other central heater manufactured on or after May 15, 2015, except as provided in paragraph (c) of this section.

(b) Each residential hydronic heater, forced-air furnace or other central heater must comply with the provisions of this subpart unless exempted under paragraphs (b)(1) through (b)(3) of this section. These exemptions are determined by rule applicability and do not require additional EPA notification or public notice.

(1) Affected residential hydronic heaters, forced-air furnaces or other central heaters manufactured in the United States for export are exempt from the applicable emission limits of § 60.5474 and the requirements of § 60.5475.

(2) Affected residential hydronic heaters, forced-air furnaces or other central heaters used for research and

development purposes that are never offered for sale or sold and that are not used to provide heat are exempt from the applicable emission limits of § 60.5474 and the requirements of § 60.5475. No more than 12 affected residential central heaters manufactured per model line may be exempted for this purpose.

(3) Appliances that do not burn wood or wood pellets or wood chips (such as coal-only central heaters that meet the definition in § 60.5473 or corn-only central heaters) are exempt from the applicable emission limits of § 60.5474 and the requirements of § 60.5475 provided that all advertising and warranties clearly denote that wood burning is prohibited in these appliances.

(c) The following are not affected central heaters and are not subject to this subpart:

(1) Residential wood heaters subject to subpart AAA of this part.

(2) Residential masonry heaters as defined in § 60.5473.

**§ 60.5473 What definitions must I know?**

As used in this subpart, all terms not defined herein have the same meaning given them in the Clean Air Act and subpart A of this part.

*Approved test laboratory* means a test laboratory that is approved for central heater certification testing under § 60.5477 or is an independent third-party test laboratory that is accredited under ISO-IEC Standard 17025 to perform testing using the test methods specified in § 60.5476 by an accreditation body that is a full member signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement and approved by the EPA for conducting testing under this subpart.

*Catalytic combustor* means a device coated with a noble metal used in a wood heater to lower the temperature required for combustion.

*Central heater* means a fuel-burning device designed to burn wood or wood pellet fuel that warms spaces other than the space where the device is located, by the distribution of air heated by the furnace through ducts or liquid heated in the device and distributed typically through pipes. Unless otherwise specified, these devices include, but are not limited to, residential forced-air furnaces (small and large) and residential hydronic heaters.

*Chip wood fuel* means wood chipped into small pieces that are uniform in size, shape, moisture, density and energy content.

*Coal-only hydronic heater or forced-air furnace* means an enclosed, coal-

burning appliance capable of space heating or domestic water heating that has all of the following characteristics:

(1) Installation instructions, owner's manual and marketing information that state that the use of wood in the appliance, except for coal ignition purposes, is prohibited by law; and

(2) The model is listed by a nationally recognized safety-testing laboratory for coal use only, except for coal ignition purposes.

*Commercial owner* means any person who owns or controls a residential hydronic heater, forced-air furnace or other affected central heater in the course of the business of the manufacture, importation, distribution, or sale of the unit.

*Large residential forced-air furnace* means a residential forced-air furnace that is capable of a heat output of 65,000 BTU per hour or greater.

*Manufactured* means completed and ready for shipment (whether or not assembled or packaged) for purposes of determining the date of manufacture.

*Manufacturer* means any entity that constructs or imports into the United States a central heater.

*Model line* means all central heaters offered for sale by a single manufacturer that are similar in all material respects that would affect emissions as defined in this section.

*Particulate matter (PM)* means total particulate matter including coarse particulate ( $PM_{10}$ ) and fine particulate ( $PM_{2.5}$ ).

*Pellet fuel* means refined and densified solid wood shaped into small pellets or briquettes that are uniform in size, shape, moisture, density and energy content.

*Representative affected wood or central heater* means an individual heater that is similar in all material respects that would affect emissions as defined in this section to other heaters within the model line it represents.

*Residential forced-air furnace* means a fuel burning device designed to burn wood or wood pellet fuel that warms spaces other than the space where the furnace is located, by the distribution of air heated by the furnace through ducts.

*Residential hydronic heater* means a fuel burning device designed to burn wood or wood pellet fuel for the purpose of heating building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture.

*Residential masonry heater* means a factory-built or site-built wood-burning device in which the heat from intermittent fires burned rapidly in the firebox is stored in the refractory mass

for slow release to building spaces. Masonry heaters are site-built (using local materials or a combination of local materials and manufactured components) or site-assembled (using factory-built components), solid fuel-burning heating appliances constructed mainly of refractory materials (e.g., masonry materials or soapstone). They typically have an interior construction consisting of a firebox and heat exchange channels built from refractory components, through which flue gases are routed. ASTM E1602 "Standard Guide for Construction of Solid Fuel Burning Masonry Heaters" provides design and construction information for the range of masonry heaters most commonly built in the United States. The site-assembled models are generally listed to UL-1482.

*Sale* means the transfer of ownership or control, except that a transfer of control of an affected central heater for research and development purposes within the scope of § 60.5472(b)(2) is not a sale.

*Similar in all material respects that would affect emissions* means that the construction materials, exhaust and inlet air system, and other design features are within the allowed tolerances for components identified in § 60.5475(k).

*Small residential forced-air furnace* means a residential forced-air furnace that is only capable of a maximum heat output of less than 65,000 BTU per hour.

*Sold at retail* means the sale by a commercial owner of a central heater to the ultimate purchaser/user or noncommercial purchaser.

*Third-party certifier* (sometimes called third-party certifying body or product certifying body) means an independent third party that is accredited under ISO-IEC Standards 17025 and 17065 to perform certifications, inspections and audits by an accreditation body that is a full member signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement and approved by the EPA for conducting certifications, inspections and audits under this subpart.

*Unseasoned wood* means wood with an average moisture content of 20 percent or more.

*Valid certification test* means a test that meets the following criteria:

(1) The Administrator was notified about the test in accordance with § 60.5476(h);

(2) The test was conducted by an approved test laboratory as defined in this section;

(3) The test was conducted on a central heater similar in all material respects that would affect emissions as defined in this section to other central heaters of the model line that is to be certified; and

(4) The test was conducted in accordance with the test methods and procedures specified in § 60.5476.

*Wood heater* under this subpart means an enclosed, wood burning-appliance capable of and intended for residential central heating or central heating and domestic water heating. Unless otherwise specified, these devices include, but are not limited to, hydronic heaters and forced-air furnaces.

#### **§ 60.5474 What standards and requirements must I meet and by when?**

(a) *Standards.* Unless exempted under § 60.5472, no person is permitted to:

(1) On or after May 15, 2015, manufacture, import into the United States or sell at retail a residential hydronic heater unless it has been certified to meet the 2015 particulate matter emission limits in paragraph (b)(1) of this section, except that a residential hydronic heater that was manufactured on or before May 15, 2015 may be imported into the United States and/or sold at retail on or before December 31, 2015.

(2) On or after May 15, 2020 manufacture or sell at retail a residential hydronic heater unless it has been certified to meet the 2020 particulate matter emission limit in paragraph (b)(2) or (b)(3) of this section.

(3) On or after May 15, 2015, manufacture or sell at retail a residential forced-air furnace unless it complies with the work practice and operating standards in paragraphs (d), (e), (f) and (g) of this section and the owner's manual requirements in Appendix I.

(4) On or after May 16, 2016, manufacture or sell at retail a small residential forced-air furnace unless it has been certified to meet the 2016 particulate matter emission limits in paragraph (b)(4) of this section

(5) On or after May 15, 2017 manufacture or sell at retail a large forced-air furnace unless it has been certified to meet the 2017 particulate matter emission limits in paragraph (b)(5) of this section.

(6) On or after May 15, 2020 manufacture or sell at retail a small or large residential forced-air furnace unless it has been certified to meet the 2020 particulate matter emission limit in paragraph (b)(6) of this section.

(b)(1) 2015 residential hydronic heater particulate matter emission limit: A weighted average of 0.32 lb/mmBtu

(0.137 g/MJ) heat output and a maximum per individual burn rate of 18.0 g/hr (0.041 lb/hr) as determined by the test methods and procedures in § 60.5476 or an alternative crib wood or cord wood test method approved by the Administrator.

(2) 2020 residential hydronic heater particulate matter emission limit: 0.10 lb/mmBtu (0.026 g/MJ) heat output per individual burn rate as determined by the crib wood test methods and procedures in § 60.5476 or an alternative crib wood test method approved by the Administrator.

(3) 2020 residential hydronic heater cord wood alternative compliance option for particulate matter emission limit: 0.15 lb/mmBtu (0.026 g/MJ) heat output per individual burn rate as determined by the cord wood test methods and procedures in § 60.5476 or an alternative cord wood test method approved by the Administrator.

(4) 2016 small forced-air furnace particulate matter emission limit: A weighted average of 0.93 lb/mmBtu (0.40 g/MJ) heat output as determined by the test methods and procedures in § 60.5476.

(5) 2017 large forced-air furnace particulate matter emission limit: A weighted average of 0.93 lb/mmBtu (0.40 g/MJ) heat output as determined by the test methods and procedures in § 60.5476.

(6) 2020 forced-air furnace particulate matter emission limit: 0.15 lb/mmBtu (0.026 g/MJ) heat output per individual burn rate as determined by the cord wood test methods and procedures in § 60.5476 or cord wood test methods approved by the Administrator.

(c) [Reserved]

(d) *Chip wood fuel requirements.* Operators of wood central heaters, including hydronic heaters and forced-air furnaces, that are certified to burn chip wood fuels may only burn wood chips that have been specified in the owner's manual. The chip wood fuel must meet the following minimum requirements:

- (1) Moisture content: Less than 35 percent;
- (2) Inorganic fines: Less than or equal to 1 percent;
- (3) Chlorides: Less than or equal to 300 parts per million by weight;
- (4) Ash content: No more than 2 percent;
- (5) No demolition or construction waste; and
- (6) Trace metals: Less than 100 mg/kg.

(e) *Pellet fuel requirements.* Operators of wood central heaters, including outdoor residential hydronic heaters, indoor residential hydronic heaters, and residential forced-air furnaces, that are

certified to burn pellet fuels may only burn pellets that have been graded under a licensing agreement with a third-party organization approved by the EPA. The Pellet Fuels Institute, ENplus and CANplus are initially deemed to be approved third-party organizations for this purpose, and additional organizations may apply to the Administrator for approval. The pellet fuel must meet the following minimum requirements as assured through a quality assurance program licensed by a third-party organization approved by the EPA:

- (1) Density: Consistent hardness and energy content with a minimum density of 38 pounds/cubic foot;
  - (2) Dimensions: Maximum length of 1.5 inches and diameter between 0.230 and 0.285 inches;
  - (3) Inorganic fines: Less than or equal to 1 percent;
  - (4) Chlorides: Less than or equal to 300 parts per million by weight; and
  - (5) Ash content: No more than 2 percent.
  - (6) Contains no demolition or construction waste;
  - (7) Trace metals: Less than 100 mg/kg; and
  - (8) None of the prohibited fuels in paragraph (f) of this section.
- (f) *Prohibited fuel types.* No person is permitted to burn any of the following materials in an outdoor residential hydronic heater, indoor residential hydronic heater, residential forced-air furnace or other affected central heater:
- (1) Residential or commercial garbage;
  - (2) Lawn clippings or yard waste;
  - (3) Materials containing rubber, including tires;
  - (4) Materials containing plastic;
  - (5) Waste petroleum products, paints or paint thinners, or asphalt products;
  - (6) Materials containing asbestos;
  - (7) Construction or demolition debris;
  - (8) Paper products; cardboard,

plywood or particleboard. The prohibition against burning these materials does not prohibit the use of fire starters made from paper, cardboard, saw dust, wax and similar substances for the purpose of starting a fire in an affected central heater;

- (9) Railroad ties or pressure treated lumber;
- (10) Manure or animal remains;
- (11) Salt water driftwood or other or other previously salt water saturated materials;
- (12) Unseasoned wood;
- (13) Any materials that are not included in the warranty and owner's manual for the subject heater or furnace; or
- (14) Any materials that were not included in the certification tests for the subject heater or furnace.

(g) *Operation of affected wood heaters.* A user must operate an outdoor residential hydronic heater, indoor residential hydronic heater, residential forced-air furnace or other affected central heater in a manner consistent with the owner's manual. The owner's manual must clearly specify that operation in a manner inconsistent with the owner's manual would void the warranty.

(h) *Temperature sensor requirement.* An affected wood heater equipped with a catalytic combustor must be equipped with a temperature sensor that can monitor combustor gas stream temperatures within or immediately downstream [within 2.54 centimeters (1 inch)] of the catalytic combustor surface.

#### **§ 60.5475 What compliance and certification requirements must I meet and by when?**

(a) *Certification requirement.* (1) Each affected residential hydronic heater, forced-air furnace and other central heater must be certified to be in compliance with the applicable emission standards and other requirements of this subpart. For each model line manufactured or sold by a single entity, e.g., company or manufacturer, compliance with applicable emission standards of § 60.5474 must be determined based on testing of representative affected central heaters within the model line. If one entity licenses a model line to another entity, each entity's model line must be certified. If an entity intends to change the name of the entity or the name of the model, the manufacturer must apply for a new certification 60 days before making the change.

(2) The manufacturer of each model line must submit the information required in paragraph (b) of this section and follow either the certification process in paragraphs (c) through (e) of this section (for forced-air furnaces) or the certification procedure specified in paragraph (f) of this section.

(3) Models qualified as meeting the Phase 2 emission levels under the 2011 EPA hydronic heater partnership agreement are automatically deemed to have a certificate of compliance for the 2015 particulate matter emission standards and be valid until the effective date for the 2020 particulate matter emission standards.

(4) Models certified by the New York State Department of Environment and Conservation to meet the emission levels in § 60.5474(b) are automatically deemed to have a certificate of compliance for the 2015 particulate matter emission standards and be valid

until the effective date for the 2020 particulate matter emission standards.

(5) Models approved by the New York State Energy Research and Development Authority under the Renewable Heat New York (RHNY) Biomass Boiler Program are automatically deemed to have a certificate of compliance for the 2015 particulate matter emission standards and be valid until the effective date for the 2020 particulate matter emission standards provided that they comply with the thermal storage requirements in the RHNY program.

(6) Small forced-air furnace models that are certified under CSA B415.1–10 (IBR, see § 60.17), by an EPA approved third-party certifier, to meet the 2016 particulate matter emission level will be automatically deemed to have a certificate of compliance for the 2016 particulate matter emission standards and be valid until the effective date for the 2020 particulate matter emission standards.

(7) Large forced-air furnace models that are certified under CSA B415.1–10 (IBR, see § 60.17), by an EPA approved third-party certifier, to meet the 2017 particulate matter emission level will be automatically deemed to have a certificate of compliance for the 2017 particulate matter emission standards and be valid until the effective date of the 2020 particulate matter emission standards.

(b) *Application for a certificate of compliance.* Any manufacturer of an affected residential hydronic heater or forced-air furnace or other central heater must apply to the Administrator for a certificate of compliance for each model line. The application must be submitted to: [WoodHeaterReports@epa.gov](mailto:WoodHeaterReports@epa.gov). The application must be signed by a responsible representative of the manufacturer or an authorized representative and must contain the following:

(1) The model name and/or design number. The model name and/or design number must clearly distinguish one model from another. The name and/or design number cannot include the EPA symbol or logo or name or derivatives such as “EPA.”

(2) Engineering drawings and specifications of components that may affect emissions (including specifications for each component listed in paragraph (k) of this section). Manufacturers may use assembly or design drawings that have been prepared for other purposes, but must designate on the drawings the dimensions of each component listed in paragraph (k) of this section. Manufacturers must identify dimensions of components listed in

paragraph (k)(2) of this section that are different from those specified in that paragraph, and show that such differences cannot reasonably be anticipated to cause central heaters in the model line to exceed the applicable emission limits. The drawings must identify how the emission critical parts, such as air tubes and catalyst, can be readily inspected and replaced.

(3) A statement whether the firebox or any firebox component (including the materials listed in paragraph (k)(3) of this section) will be composed of material different from the material used for the firebox or firebox component in the central heater on which certification testing was performed and a description of any such differences and demonstration that any such differences may not reasonably be anticipated to adversely affect emissions or efficiency.

(4) Clear identification of any claimed confidential business information (CBI). Submit such information under separate cover to the EPA CBI Office; Attn: Residential Wood Heater Compliance Program Lead, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Note that all emissions data, including all information necessary to determine emission rates in the format of the standard, cannot be claimed as CBI.

(5) All documentation pertaining to a valid certification test, including the complete test report and, for all test runs: Raw data sheets, laboratory technician notes, calculations and test results. Documentation must include the items specified in the applicable test methods. Documentation must include discussion of each test run and its appropriateness and validity, and must include detailed discussion of all anomalies, whether all burn rate categories were achieved, any data not used in the calculations and, for any test runs not completed, the data collected during the test run and the reason(s) that the test run was not completed. The documentation must show that the burn rate for the low burn rate category is no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer. The test report must include a summary table that clearly presents the individual and overall emission rates, efficiencies and heat outputs. Submit the test report and all associated required information according to the procedures for electronic reporting specified in § 60.5479(f).

(6) A copy of the warranties for the model line, which must include a statement that the warranties are void if the unit is used to burn materials for which the unit is not certified by the

EPA and void if not operated according to the owner's manual.

(7) A statement that the manufacturer will conduct a quality assurance program for the model line that satisfies the requirements of paragraph (m) of this section.

(8) A statement describing how the tested unit was sealed by the laboratory after the completion of certification testing and asserting that such unit will be stored by the manufacturer in the sealed state until 5 years after the certification test.

(9) Statements that the central heater manufactured under this certificate will be—

(i) Similar in all material respects that would affect emissions as defined in this subpart to the central heater submitted for certification testing, and

(ii) Labeled as prescribed in § 60.5478.

(iii) Accompanied by an owner's manual that meets the requirements in § 60.5478. In addition, a copy of the owner's manual must be submitted to the EPA and be available to the public on the manufacturer's Web site.

(10) A statement that the manufacturer has entered into contracts with an approved laboratory and an approved third-party certifier that satisfy the requirements of paragraph (f) of this section.

(11) A statement that the approved laboratory and approved third-party certifier are allowed to submit information on behalf of the manufacturer, including any claimed to be CBI.

(12) A statement that the manufacturer will place a copy of the certification test report and summary on the manufacturer's Web site available to the public within 30 days after the Administrator issues a certificate of compliance.

(13) A statement of acknowledgment that the certificate of compliance cannot be transferred to another manufacturer or model line without written approval by the Administrator.

(14) A statement acknowledging that it is unlawful to sell, distribute, or offer to sell or distribute an affected wood heater without a valid certificate of compliance.

(15) Contact information for the responsible representative of the manufacturer and all authorized representatives, including name, affiliation, physical address, telephone number and email address.

(c) *Administrator approval process.*

(1) The Administrator may issue a certificate of compliance for a model line if the Administrator determines, based on all information submitted by

the applicant and any other relevant information available, that:

(i) A valid certification test demonstrates that the representative affected central heater complies with the applicable emission standards in § 60.5474;

(ii) Any tolerances or materials for components listed in paragraph (k)(2) or (3) of this section that are different from those specified in those paragraphs may not reasonably be anticipated to cause central heaters in the model line to exceed the applicable emission limits; and

(iii) The requirements of paragraph (b) of this section have been met.

(2) The Administrator will deny certification if the Administrator determines that the criteria in paragraph (c)(1) of this section have not been satisfied. Upon denying certification under this paragraph, the Administrator will give written notice to the manufacturer setting forth the basis for this determination.

(d) *Level of compliance certification.* The Administrator will issue the certificate of compliance for the most stringent particulate matter emission standard that the tested representative central heater meets under § 60.5474.

(e) *Conditional, temporary certificate of compliance.* A conditional, temporary certificate of compliance with the Step 1 p.m. emission standards may be granted by the Administrator until May 16, 2016 for small or large forced-air furnaces based on the manufacturer's submittal of a complete certification application meeting all requirements in § 60.5475(b). The application must include the full test report by an EPA-approved laboratory and all required compliance statements by the manufacturer with the exception of a certificate of conformity by an EPA approved third-party certifier. The conditional, temporary approval would allow early marketing of forced-air furnaces as having a conditional, temporary certificate of compliance with the Step 1 p.m. emission standards until May 16, 2016 or until the Administrator completes the review of the application, whichever is earlier.

(f) *Third-party certifier-based application process.* (1) Any manufacturer of an affected central heater must apply to the Administrator for a certificate of compliance for each model line. The manufacturer must meet the following requirements:

(i) The manufacturer must contract with a third-party certifier for certification services. The contract must include regular (at least annual) unannounced audits under ISO-IEC Standard 17065 to ensure that the

manufacturer's quality assurance plan is being implemented. The contract must also include a report for each audit under ISO-IEC Standard 17065 that fully documents the results of the audit. The contract must include authorization and requirement for the third-party certifier to submit all such reports to the Administrator and the manufacturer within 30 days of the audit. The audit report must identify deviations from the manufacturer's quality assurance plan and specify the corrective actions that need to be taken to address each identified deficiency.

(ii) The manufacturer must submit the materials specified in paragraph (b) of this section and a quality assurance plan that meets the requirements of paragraph (m) of this section to the third-party certifier. The quality assurance plan must ensure that units within a model line will be similar in all material respects that would affect emissions to the wood heater submitted for certification testing, and it must include design drawings for the model line.

(iii) The manufacturer must apply to the third-party certifier for a certification of conformity with the applicable requirements of this subpart for the model line.

(A) After testing by an approved test laboratory is complete, certification of conformity with the emission standards in § 60.5474 must be performed by the manufacturer's contracted third-party certifier.

(B) The third-party certifier may certify conformity if the emission tests have been conducted per the appropriate guidelines: The test report is complete and accurate; the instrumentation used for the test was properly calibrated; the test report shows that the representative affected central heater meets the applicable emission limits specified in § 60.5474; and the quality assurance plan is adequate to ensure that units within the model line will be similar in all material respects that would affect emissions to the central heater submitted for certification testing, and that the affected heaters would meet all applicable requirements of this subpart.

(iv) The manufacturer must then submit to the Administrator an application for a certificate of compliance that includes the certification of conformity, quality assurance plan, test report and all supporting documentation specified in paragraph (b) of this section.

(v) The submission also must include a statement signed by a responsible official of the manufacturer or authorized representative that the

manufacturer has complied with and will continue to comply with all requirements of this subpart for certificate of compliance and that the manufacturer remains responsible for compliance regardless of any error by the test laboratory or third-party certifier.

(2) The Administrator will issue to the manufacturer a certificate of compliance for a model line if it is determined, based on all of the information submitted in the application for certification and any other relevant information, that:

(i) A valid certification of conformity has demonstrated that the representative affected central heater complies with the applicable emission standards in § 60.5474;

(ii) Any tolerances or materials for components listed in paragraph (k)(2) or (3) of this section that are different from those specified in those paragraphs may not be reasonably anticipated to cause central heaters in the model line to exceed the applicable emission limits;

(iii) The requirements of paragraphs (b) of this section have been met; and

(iv) A valid certificate of conformity for the model line has been prepared and submitted.

(3) The Administrator will deny certification if the Administrator determines that the criteria in paragraph (f)(2) of this section have not been satisfied. Upon denying certification under this paragraph, the Administrator will give written notice to the manufacturer setting forth the basis for the determination.

(g) *Waiver from submitting test results.* An applicant for certification may apply for a potential waiver of the requirement to submit the results of a certification test pursuant to paragraph (b) of this section, if the central heater meets either of the following conditions:

(1) The central heaters of the model line are similar in all material respects that would affect emissions, as defined in § 60.5473 and paragraph (k) of this section, to another model line that has already been issued a certificate of compliance. A manufacturer that seeks a waiver of certification testing must identify the model line that has been certified, and must submit a copy of an agreement with the owner of the design permitting the applicant to produce central heaters of that design.

(2) The manufacturer has previously conducted a valid certification test to demonstrate that the central heaters of the model line meet the applicable standard specified in § 60.5474.

(h) *Certification period.* Unless revoked sooner by the Administrator, a certificate of compliance will be valid

for 5 years from the date of issuance or until a more stringent standard comes into effect, whichever is sooner.

(i) *Renewal of certification.* (1) The manufacturer must renew a model line's certificate of compliance or recertify the model line every 5 years, or the manufacturer may choose to no longer manufacture or sell that model line after the expiration date. If the manufacturer chooses to no longer manufacture that model line, then the manufacturer must submit a statement to the Administrator to that effect.

(2) A manufacturer of an affected residential hydronic heater or forced-air furnace or other central heater may apply to the Administrator for potential renewal of its certificate of compliance by submitting the material specified in paragraph (b) and following the procedures specified in paragraph (f) of this section, or by affirming in writing that the central heaters in the model line continue to be similar in all material respects that would affect emissions to the representative central heater submitted for testing on which the original certificate of compliance was based and requesting a potential waiver from certification testing. The application must include a copy of the review of the draft application and approval by the third-party certifier.

(3) If the Administrator grants a renewal of certification, the Administrator will give written notice to the manufacturer setting forth the basis for the determination and issue a certification renewal.

(4) If the Administrator denies the request for a renewal of certification, the Administrator will give written notice to the manufacturer setting forth the basis for the determination.

(5) If the Administrator denies the request for a renewal of certification, the manufacturer and retailer must not manufacture or sell the previously-certified central heaters after the expiration date of the certificate of compliance.

(j) [Reserved]

(k) *Recertification.* (1) The manufacturer must recertify a model line whenever any change is made in the design submitted pursuant to paragraph (k)(2) of this section that affects or is presumed to affect the particulate matter emission rate for that model line. The manufacturer of an affected central heater must apply to the Administrator for potential recertification by submitting the material specified in paragraph (b) of this section and following the procedures specified in paragraph (f) of this section or by affirming in writing that the change will not cause the

central heaters in the model line to exceed applicable emission limits and requesting a waiver from certification testing. The application for recertification must be reviewed and approved by the contracted third-party certifier and a copy of the review and approval must be included. The Administrator may waive this requirement upon written request by the manufacturer, if the manufacturer presents adequate rationale and the Administrator determines that the change may not reasonably be anticipated to cause central heaters in the model line to exceed the applicable emission limits. The granting of such a waiver does not relieve the manufacturer of any compliance obligations under this subpart.

(2) Any change in the design tolerances of any of the following components (where such components are applicable) is presumed to affect particulate matter and carbon monoxide emissions and efficiency if that change exceeds  $\pm 0.64$  cm ( $\pm 1/4$  inch) for any linear dimension and  $\pm 5$  percent for any cross-sectional area relating to air introduction systems and catalyst bypass gaps unless other dimensions and cross-sectional areas are previously approved by the Administrator under paragraph (c)(1)(ii) of this section:

- (i) Firebox: Dimensions;
- (ii) Air introduction systems: Cross-sectional area of restrictive air inlets and outlets, location and method of control;
- (iii) Baffles: Dimensions and locations;
- (iv) Refractory/insulation: Dimensions and location;
- (v) Catalyst: Dimensions and location;
- (vi) Catalyst bypass mechanism and catalyst bypass gap tolerances (when bypass mechanism is in closed position): Dimensions, cross-sectional area, and location;
- (vii) Flue gas exit: Dimensions and location;
- (viii) Door and catalyst bypass gaskets: Dimensions and fit;
- (ix) Outer thermal shielding and thermal coverings: Dimensions and location;
- (x) Fuel feed system: For central heaters that are designed primarily to burn wood pellet fuel or wood chips and other central heaters equipped with a fuel feed system, the fuel feed rate, auger motor design and power rating, and the angle of the auger to the firebox; and
- (xi) Forced air combustion system: For central heaters so equipped, the location and horsepower of blower motors and the fan blade size.

(3) Any change in the materials used for the following components is

presumed to affect particulate matter emissions and efficiency:

- (i) Refractory/insulation; or
- (ii) Door and catalyst bypass gaskets.

(4) A change in the make, model, or composition of a catalyst is presumed to affect particulate matter and carbon monoxide emissions and efficiency, unless the change has been requested by the central heater manufacturer and has been approved in advance by the Administrator, based on test data that demonstrate that the replacement catalyst is equivalent to or better than the original catalyst in terms of particulate matter emission reduction.

(l) *Criteria for revocation of certification.* (1) The Administrator may revoke certification of a product line if it is determined that the central heaters being manufactured or sold in that model line do not comply with the requirements of this subpart. Such a determination will be based on all available evidence, including but not limited to:

(i) Test data from retesting of the original unit on which the certification test was conducted on a unit that is similar in all material respects that would affect emissions;

(ii) A finding that the certification test was not valid. The finding will be based on problems or irregularities with the certification test or its documentation, but may be supplemented by other information;

(iii) A finding that the labeling of the central heater model line or the owner's manual or the associated marketing information does not comply with the requirements of § 60.5478;

(iv) Failure by the manufacturer to comply with the reporting and recordkeeping requirements of § 60.5479;

(v) Physical examination showing that a significant percentage (as defined in the quality assurance plan approved pursuant to paragraph (m) of this section, but no larger than 1 percent) of production units inspected is not similar in all material respects that would affect emissions to the representative affected central heater submitted for certification testing; or

(vi) Failure of the manufacturer to conduct a quality assurance program in conformity with paragraph (m).

(vii) Failure of the approved laboratory to test the central heater using the methods specified in § 60.5476.

(2) Revocation of certification under this paragraph (l) of this section will not take effect until the manufacturer concerned has been given written notice by the Administrator setting forth the basis for the proposed determination



and an opportunity to request a hearing under § 60.5481.

(m) *Quality assurance program.* On or after May 16, 2016, for each certified model line, the manufacturer must conduct a quality assurance program that satisfies the requirements of paragraphs (m)(1) through (5) of this section.

(1) The manufacturer must prepare and operate according to a quality assurance plan for each certified model line that includes specific inspection and testing requirements for ensuring that all units within a model line are similar in all material respects that would affect emissions to the central heater submitted for certification testing and meet the emissions standards in § 60.5474.

(2) The quality assurance plan must be approved by the third-party certifier as part of the certification of conformity process specified in paragraph (f) of this section.

(3) The quality assurance plan must include regular (at least annual) unannounced audits by the third-party certifier under ISO-IEC Standard 17065 to ensure that the manufacturer's quality assurance plan is being implemented.

(4) The quality assurance plan must include a report for each audit under ISO-IEC Standard 17065 that fully documents the results of the audit. The third-party certifier must be authorized and required to submit all such reports to the Administrator within 30 days of the audit. The audit report must identify deviations from the manufacturer's quality assurance plan and specify the corrective actions that need to be taken to address each identified deficiency.

(5) Within 30 days after receiving each audit report, the manufacturer must report to the third-party certifier and to the Administrator its corrective actions and responses to any deficiencies identified in the audit report. No such report is required if an audit report did not identify any deficiencies.

(n) *EPA compliance audit testing.*

(1)(i) The Administrator may select by written notice central heaters or model lines for compliance audit testing to determine compliance with the emission standards in § 60.5474.

(ii) The Administrator will transmit a written notification of the selected central heaters or model line(s) to the manufacturer, which will include the name and address of the laboratory selected to perform the audit test and the model name and serial number of the central heater(s) or central heater model line(s) selected to undergo audit testing.

(2)(i) The Administrator may test, or direct the manufacturer to have tested, the central heater(s) from the model line(s) selected under paragraph (n)(1)(i) of this section in a laboratory approved under § 60.5477. The Administrator may select any approved test laboratory or federal laboratory for this audit testing.

(ii) The expense of the compliance audit test is the responsibility of the central heater manufacturer.

(iii) The test must be conducted using the same test method used to obtain certification. If the certification test consisted of more than one particulate matter sampling test method, the Administrator may direct the manufacturer and test laboratory as to which of these methods to use for the purpose of audit testing. The Administrator will notify the manufacturer at least 30 days prior to any test under this paragraph, and allow the manufacturer and/or his authorized representatives to observe the test.

(3) *Revocation of certification.* (i) If emissions from a central heater tested under paragraph (n)(2) of this section exceed the applicable emission standard by more than 50 percent using the same test method used to obtain certification, the Administrator will notify the manufacturer that certification for that model line is suspended effective 72 hours from the receipt of the notice, unless the suspension notice is withdrawn by the Administrator. The suspension will remain in effect until withdrawn by the Administrator, or the date 30 days from its effective date if a revocation notice under paragraph (n)(3)(ii) of this section is not issued within that period, or the date of final agency action on revocation, whichever occurs earliest.

(ii)(A) If emissions from a central heater tested under paragraph (n)(2) of this section exceed the applicable emission limit, the Administrator will notify the manufacturer that certification is revoked for that model line.

(B) A notice under paragraph (n)(3)(ii)(A) of this section will become final and effective 60 days after the date of written notification to the manufacturer, unless it is withdrawn, a hearing is requested under § 60.5481(a)(2), or the deadline for requesting a hearing is extended.

(C) The Administrator may extend the deadline for requesting a hearing for up to 60 days for good cause.

(D) A manufacturer may extend the deadline for requesting a hearing for up to 6 months, by agreeing to a voluntary suspension of certification.

(iii) Any notification under paragraph (n)(3)(i) or (ii) of this section will

include a copy of a preliminary test report from the approved test laboratory or federal test laboratory. The test laboratory must provide a preliminary test report to the Administrator within 14 days of the completion of testing, if a central heater exceeds the applicable emission limit in § 60.5474. The test laboratory must provide the Administrator and the manufacturer, within 30 days of the completion of testing, all documentation pertaining to the test, including the complete test report and raw data sheets, laboratory technician notes, and test results for all test runs.

(iv) Upon receiving notification of a test failure under paragraph (n)(3)(ii) of this section, the manufacturer may request that up to four additional central heaters from the same model line be tested at the manufacturer's expense, at the test laboratory that performed the emissions test for the Administrator.

(v) Whether or not the manufacturer proceeds under paragraph (n)(3)(iv) of this section, the manufacturer may submit any relevant information to the Administrator, including any other test data generated pursuant to this subpart. The manufacturer must bear the expense of any additional testing.

(vi) The Administrator will withdraw any notice issued under paragraph (n)(3)(ii) of this section if tests under paragraph (n)(3)(iv) of this section show either—

(A) That exactly four additional central heaters were tested for the manufacturer and all four met the applicable emission limits; or

(B) That exactly two additional central heaters were tested for the manufacturer and each of them met the applicable emission limits and the average emissions of all three tested heaters (the original audit heater and the two additional heaters) met the applicable emission limits.

(vii) If the Administrator withdraws a notice pursuant to paragraph (n)(3)(vi) of this section, the Administrator will revise the certification values for the model line based on the test data and other relevant information. The manufacturer must then revise the labels and marketing information accordingly.

(viii) The Administrator may withdraw any proposed revocation, if the Administrator finds that an audit test failure has been rebutted by information submitted by the manufacturer under paragraph (n)(3)(iv) of this section and/or (n)(3)(v) of this section or by any other relevant information available to the Administrator.



**§ 60.5476 What test methods and procedures must I use to determine compliance with the standards and requirements for certification?**

Test methods and procedures specified in this section or in appendices of this part, except as provided under § 60.8(b), must be used to determine compliance with the standards and requirements for certification under §§ 60.5474 and 60.5475 and for reporting carbon monoxide emissions and efficiency. The EPA will post all approved alternative test methods on the EPA Web site. The manufacturer or the manufacturer's authorized representative must submit a summary and the full test report with all supporting information, including detailed discussion of all anomalies, whether all burn rate categories were properly achieved, any data not used in the calculations and, for any test runs not completed, the data that were collected and the reason that the test run was not completed. The burn rate for the low burn rate category must be no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer.

(a) Canadian Standards Administration (CSA) Method B415.1–10, sections 13.7–13.10 (IBR, see § 60.17), must be used to measure the thermal efficiency and CO emissions of outdoor and indoor residential hydronic heaters and forced-air furnaces, except that the burn rates specified in Method 28WHH must be used for hydronic heaters.

(b) Testing conducted with continuously fed biomass as the fuel(s) must be conducted according to the relevant section of the ASTM E2618–13 (IBR, see § 60.17) or adaptations approved by EPA. The EPA will post all approved alternative test methods on the EPA Web site.

(c)(1) For outdoor and indoor residential hydronic heaters to be tested under the 2015 particulate matter emission standards in § 60.5474(b)(1), the manufacturer must have an EPA-approved test laboratory use:

- (i) Method 28WHH;
- (ii) Method 28WHH PTS;
- (iii) ASTM E2618–13 (IBR, see § 60.17) (using crib wood); or
- (iv) EN 303–5 (IBR, see § 60.17), only for units sold with thermal storage.

(2) For outdoor and indoor residential hydronic heaters to be tested under the 2020 particulate matter emission standards in § 60.5474(b)(2), the manufacturer must have an EPA-approved test laboratory use:

- (i) Method 28WHH;
- (ii) Method 28WHH PTS; or

(iii) ASTM E2618–13 (IBR, see § 60.17) (using crib wood).

(3) If the heater is equipped with full or partial heat storage, the manufacturer, retailer and installer must not sell or install the heater with less heat storage capacity than is used in the certification test.

(4) The manufacturer and approved laboratory must make the following adjustments to the methods listed in paragraphs (a), (c)(1) and (2) of this section:

(i) For ASTM E2618–13 (IBR, see § 60.17), the burn rate categories specified in Method 28WHH must be used;

(ii) For EN 303–5 (IBR, see § 60.17), the organic compounds must be included as part of the PM.

(iii) For ASTM 2618–13 (IBR, see § 60.17) Appendix A1 for full thermal storage certification tests, the test must use the large scale as required in the test method unless the manufacturer requests a variance, in advance of testing, contingent upon measuring flue gas temperature, oxygen and CO, using a simple electronic spreadsheet calculator to estimate efficiency and conducting a comparison to the delivered efficiency to determine if a more detailed examination should be made.

(5) For particulate matter emission concentrations measured with ASTM E2515–11 (IBR, see § 60.17), four-inch filters and Teflon membrane filters or Teflon-coated glass fiber filters may be used.

(6) For all tests conducted using ASTM 2515–11 (IBR, see § 60.17) pursuant to this section, the manufacturer and approved test laboratory must also measure the first hour of particulate matter emissions for each test run using a separate filter in one of the two parallel trains. The manufacturer and approved test laboratory must report the test results for the first hour separately and also include them in the total particulate matter emissions per run.

(d)(1) For hydronic heaters subject to the 2020 cord wood alternative compliance option specified in § 60.5474(b)(3), the manufacturers must have the approved laboratory conduct cord wood testing using the test methods listed below:

- (i) Method 28WHH;
- (ii) Method 28WHH PTS; or
- (iii) ASTM E2618–13 (IBR, see § 60.17) (using cord wood).

(2) If the heater is equipped with full or partial heat storage, the manufacturer, retailer and installer must not sell or install the heater with less heat storage

capacity than is used in the certification test.

(3) The manufacturer and approved laboratory must make the following adjustments to the methods listed in (d)(1) of this section:

(i) For ASTM E2618–13 (IBR, see § 60.17), use the burn rate categories specified in Method 28WHH;

(ii) For all methods, report the results separately per burn rate category.

(e) For forced-air furnaces, use CSA Method B415.1–10 (IBR, see § 60.17) to measure the heat output (mmBtu/hr) and particulate matter emission rate (lb/mmBtu heat output), except use the burn rate categories in Method 28WHH for the 2020 particulate matter emission standards. For the 2020 particulate matter emission standards, report the particulate matter, efficiency and CO emission results separately per burn rate category.

(f) For affected wood heaters subject to the particulate matter emission standards, emission concentrations must be measured with ASTM E2515–11 (IBR, see § 60.17), except for the 2015 certification tests using EN303–5 (IBR, see § 60.17). As required in paragraph (c)(4)(ii) of this section, the manufacturer and approved laboratory must add the organic gases to the PM for EN 303–5. Four-inch filters and Teflon membrane filters or Teflon-coated glass fiber filters may be used in ASTM E2515–11. Method 5H is not allowed for certification testing.

(g) Douglas fir may be used in ASTM E2618–13 and CSA B415.1–10 (IBR, see § 60.17).

(h) The manufacturer of an affected central heater model line must notify the Administrator of the date that certification testing is to begin, by email, to [WoodHeaterReports@epa.gov](mailto:WoodHeaterReports@epa.gov). This notice must be at least 30 days before the start of testing. The notification of testing must include the manufacturer's name and physical and email addresses, the approved test laboratory's name and physical and email addresses, third-party certifier name, the model name and number (or, if unavailable, some other way to distinguish between models), and the dates of testing. The laboratory may substitute certification testing of another affected central heater on the original date in order to ensure regular laboratory testing operations.

(i) The approved test laboratory must allow the manufacturer, the manufacturer's approved third-party certifier, the EPA and delegated state regulatory agencies to observe certification testing. However, manufacturers must not involve themselves in the conduct of the test after the pretest burn has begun.

Communications between the manufacturer and laboratory or third-party certifier personnel regarding operation of the central heater must be limited to written communications transmitted prior to the first pretest burn of the certification series. During certification tests, the manufacturer may communicate with laboratory personnel only in writing and only to notify them that the manufacturer has observed a deviation from proper test procedures. All communications must be included in the test documentation required to be submitted pursuant to § 60.5475(b)(5) and must be consistent with instructions provided in the owner's manual required under § 60.5478(f), except to the extent that they address details of the certification tests that would not be relevant to owners or regulators.

**§ 60.5477 What procedures must I use for EPA approval of a test laboratory or EPA approval of a third-party certifier?**

(a) *Test laboratory approval.* (1) A laboratory must apply to the Administrator for approval to test under this rule by submitting documentation that the laboratory is accredited by a nationally recognized accrediting entity under ISO-IEC Standard 17025 to perform testing using the test methods specified under § 60.5476. Laboratories accredited by EPA prior to May 15, 2015 may have until May 15, 2018 to submit documentation that they have accreditation under ISO-IEC Standard 17025 to perform testing using the test methods specified under § 60.5476. ISO accreditation is required for all other laboratories performing hydronic heater testing beginning on May 15, 2015, and performing forced-air furnace testing beginning on November 16, 2015.

(2) As part of the application, the test laboratory must:

- (i) Agree to participate biennially in an independently operated proficiency testing program with no direct ties to the laboratories participating;
- (ii) Agree to allow the Administrator, regulatory agencies and certifying bodies access to observe certification testing;
- (iii) Agree to comply with calibration, reporting and recordkeeping requirements that affect testing laboratories; and
- (iv) Agree to perform a compliance audit test at the manufacturer's expense at the testing cost normally charged to such manufacturer if the laboratory is selected by the Administrator to conduct the compliance audit test of the manufacturer's model line. The test laboratory must provide a preliminary audit test report to the Administrator

within 14 days of the completion of testing, if a central heater exceeds the applicable emission limit in § 60.5474.

The test laboratory must provide the Administrator and the manufacturer, within 30 days of the completion of audit testing, all documentation pertaining to the test, including the complete test report and raw data sheets, laboratory technician notes, and test results for all test runs.

(v) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.5475.

(vi) Agree to not perform initial certification tests on any models manufactured by a manufacturer for which the laboratory has conducted research and development design services within the last 5 years.

(vii) Agree to seal any wood heater on which it performed certification tests, immediately upon completion or suspension of certification testing, by using a laboratory-specific seal.

(viii) Agree to immediately notify the Administrator of any suspended tests through email and in writing, giving the date suspended, the reason(s) why, and the projected date for restarting. The laboratory must submit the operation and test data obtained, even if the test is not completed.

(3) If the EPA approves the laboratory, the Administrator will provide the test laboratory with a certificate of approval for testing under this rule. If the EPA does not approve the laboratory, the Administrator will give written notice to the laboratory setting forth the basis for the determination.

(b) *Revocation of test laboratory approval.* (1) The Administrator may revoke the EPA laboratory approval if it is determined that the laboratory:

- (i) Is no longer accredited by the accreditation body;
- (ii) Does not follow required procedures or practices;
- (iii) Has falsified data or otherwise misrepresented emission data;
- (iv) Failed to participate in a proficiency testing program, in accordance with its commitment under paragraph (a)(2)(i) of this section; or
- (v) Failed to seal the central heater in accordance with paragraph (a)(2)(vii) of this section.

(2) Revocation of approval under this paragraph (b) will not take effect until the laboratory concerned has been given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.5481. However, if revocation is ultimately upheld, all tests conducted by the laboratory after written notice was given will, at the

discretion of the Administrator, be declared invalid.

(c) *Period of test laboratory approval.*

(1) With the exception of laboratories meeting the provisions of paragraph (c)(2) of this section, and unless revoked sooner, a certificate of approval for testing under this rule is valid for 5 years from the date of issuance.

(2) Laboratories accredited by the EPA by May 15, 2015, under the provisions of § 60.535 as in effect prior to that date may continue to be EPA accredited and deemed EPA approved for testing under this subpart until May 15, 2018, at which time the EPA accreditation and approval ends unless the laboratory has obtained accreditation under § 60.5477 as in effect on that date.

(d) *Third-party certifier approval.* (1) A Third-party certifier may apply to the Administrator for approval to be an EPA-approved third-party certifier by submitting credentials demonstrating that it has been accredited by a nationally recognized accrediting entity to perform certifications and inspections under ISO-IEC Standard 17025, ISO-IEC Standard 17065 and ISO-IEC Standard 17020.

(2) As part of the application, the third-party certifier must:

(i) Agree to offer to contract with central heater manufacturers to perform third-party certification activities according to the requirements set out in this subpart.

(ii) Agree to periodically conduct audits as described in § 60.5475(m) and the manufacturer's quality assurance program;

(iii) Agree to comply with reporting and recordkeeping requirements that affect approved central heater testing laboratories and third-party certifiers;

(iv) Have no conflict of interest and receive no financial benefit from the outcome of certification testing conducted pursuant to § 60.5475;

(v) Agree to make available to the Administrator supporting documentation for each central heater certification and audit; and

(vi) Agree to not perform initial certification reviews on any models manufactured by a manufacturer for which the third-party certifier has conducted research and development design services within the last 5 years.

(3) If approved, the Administrator will provide the third-party certifier with a certificate of approval. The approval will expire 5 years after being issued unless renewed by the third-party certifier. If the EPA denies the approval, the Administrator will give written notice to the third-party certifier for the basis for the determination.

(e) *Revocation of third-party certifier approval.* (1) The Administrator will revoke the third-party certifier's EPA approval if it is determined that the certifier:

- (i) Is no longer accredited by the accreditation body;
- (ii) Does not follow required procedures or practices; or
- (iii) Has falsified certification data or otherwise misrepresented emission data.

(2) Revocation of approval under this paragraph (e) will not take effect until the certifier concerned is given written notice by the Administrator setting forth the basis for the proposed determination and an opportunity for a hearing under § 60.5481. However, if revocation is upheld, all certifications by the certifier after written notice was given will, at the discretion of the Administrator, be declared invalid.

**§ 60.5478 What requirements must I meet for permanent labels, temporary labels (hangtags), and owner's manuals?**

(a) *General permanent label requirements.* (1) Each affected central heater manufactured or sold on or after the date the applicable standards come into effect as specified in § 60.5474, must have a permanent label affixed to it that meets the requirements of this section.

(2) The permanent label must contain the following information:

- (i) Month and year of manufacture of the individual unit;
- (ii) Model name and number;
- (iii) Certification test emission value, test method, and standard met; and
- (iv) Serial number.

(3) The permanent label must:

- (i) Be affixed in a readily visible or accessible location in such a manner that it can be easily viewed before and after the appliance is installed (a easily removable façade can be used for aesthetic purposes);
- (ii) Be at least 8.9 cm long and 5.1 cm wide (3 1/2 inches long and 2 inches wide);
- (iii) Be made of a material expected to last the lifetime of the central heater;
- (iv) Present the required information in a manner so that it is likely to remain legible for the lifetime of the central heater; and
- (v) Be affixed in such a manner that it cannot be removed without damage to the label.

(4) The permanent label may be combined with any other label, as long as the required information is displayed, the integrity of the permanent label is not compromised, and the permanent label meets the requirements of § 60.5478(a)(3).

(5) Any label statement under paragraph (b) of this section constitutes a representation by the manufacturer as to any central heater that bears it:

- (i) That a certification of compliance was in effect at the time the central heater left the possession of the manufacturer;
- (ii) That the manufacturer was, at the time the label was affixed, conducting a quality assurance program in conformity with § 60.5475(m); and
- (iii) That all the central heaters individually tested for emissions by the manufacturer under its quality assurance program pursuant to § 60.5475(m) met the applicable emissions limit.

(b) *Permanent label requirements for central heaters.* If a central heater belongs to a model line certified under § 60.5475, and no unit in the model line has been found to exceed the applicable emission limits or tolerances through quality assurance testing, one of the following statements, as appropriate, must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with the 2015 particulate emission standards. Not approved for sale after May 15, 2020” or

“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with the 2016 particulate emission standards. Not approved for sale after May 15, 2020” or

“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with the 2017 particulate emission standards. Not approved for sale after May 15, 2020” or

“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with the 2020 particulate emission standards using crib wood.” or

“U.S. ENVIRONMENTAL PROTECTION AGENCY Certified to comply with the 2020 particulate emission standards using cord wood.”

(c) *Additional permanent label content.* The permanent label for all certified central heaters must also contain the following statement on the permanent label:

“This appliance needs periodic inspection and repair for proper operation. Consult owner's manual for further information. It is against federal regulations to operate this appliance in a manner inconsistent with operating instructions in the owner's manual.”

(d) *Permanent label requirements for affected wood heaters with exemptions under § 60.5472(b).* (1) If an affected central heater is manufactured in the United States for export as provided in

§ 60.5472(b)(1), the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY Export appliance. May not be sold or operated in the United States.”

(2) If an affected central heater is manufactured for use for research and development purposes as provided in § 60.5472(b)(2), the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY Not certified. Research Appliance. Not approved for sale or for operation other than for research.”

(3) If an affected central heater is a non wood-burning central heater exclusively as provided in § 60.5472(b)(3), the following statement must appear on the permanent label:

“U.S. ENVIRONMENTAL PROTECTION AGENCY This appliance is not certified for wood burning. Use of any wood fuel is a violation of federal regulations.”

(e) *Temporary label (hangtag) voluntary options.* (1) Each model line certified to meet the 2020 particulate emission standards prior to May 15, 2020 may display the hangtags specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(2) The hangtags in paragraph (e)(1) of this section end upon May 15, 2020.

(3) Each model certified to meet the 2020 Cord Wood Alternative Compliance Option may display the cord wood temporary label specified in section 3 of Appendix I of this part. The electronic template will be provided by the Administrator upon approval of the certification.

(f) *Owner's manual requirements.* (1) Each affected central heater offered for sale by a commercial owner must be accompanied by an owner's manual that must contain the information listed in paragraph (f)(2) of this section (pertaining to installation), and paragraph (f)(3) of this section (pertaining to operation and maintenance). Such information must be adequate to enable consumers to achieve optimal emissions performance. Such information must be consistent with the operating instructions provided by the manufacturer to the approved test laboratory for operating the central heater during certification testing, except for details of the certification test that would not be relevant to the ultimate user. The commercial owner must also make current and historical owner's manuals available on the company Web site and upon request to the EPA.

(2) Guidance on proper installation information, including stack height, heater location and achieving proper draft.

(3) Proper operation and maintenance information, including minimizing visible emissions.

(i) Fuel loading and re-loading procedures, recommendations on fuel selection and warnings on what fuels not to use, such as unseasoned wood, treated wood, colored paper, cardboard, solvents, trash and garbage;

(ii) Fire starting procedures;

(iii) Proper use of air controls, including how to establish good combustion and how to ensure good combustion at the lowest burn rate for which the heater is warranted;

(iv) Ash removal procedures;

(v) Instructions for replacement of gaskets and other parts that are critical to the emissions performance of the unit and other maintenance and repair instructions;

(vi) For catalytic models, information on the following pertaining to the catalytic combustor: Procedures for achieving and maintaining catalyst activity, maintenance procedures, procedures for determining deterioration or failure, procedures for replacement and information on how to exercise warranty rights;

(vii) For catalytic models, the following statement—

“This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual, or if the catalytic element is deactivated or removed”; and

(viii) For noncatalytic models, the following statement—

“This wood heater needs periodic inspection and repair for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual.”

(4) Any manufacturer using the EPA-recommended language contained in Appendix I of this part to satisfy any requirement of this paragraph (f) will be considered to be in compliance with that requirement, provided that the particular model language is printed in full, with only such changes as are necessary to ensure accuracy for the particular model line.

(g) Central heaters that are affected by this subpart, but that have been owned and operated by a noncommercial owner, are not subject to paragraphs (e)

and (f) of this section when offered for resale.

**§ 60.5479 What records must I keep and what reports must I submit?**

(a)(1) Each manufacturer who holds a certificate of compliance pursuant to § 60.5475(a)(2) for a model line must maintain records containing the information required by paragraphs (a)(2) through (4) of this section with respect to that model line for at least 5 years.

(2) All documentation pertaining to the certification test used to obtain certification, including the full test report and raw data sheets, laboratory technician notes, calculations, and the test results for all test runs, and discussions of the appropriateness and validity of all test runs, including runs attempted but not completed. The retained certification test documentation must include, as applicable, detailed discussions of all anomalies, whether all burn rate categories were properly achieved, any data not used in the calculations and, for any test runs not completed, the data that were collected and the reason that the test run was not completed. The retained certification test also must include documentation that the burn rate for the low burn category was no greater than the rate that an operator can achieve in home use and no greater than is advertised by the manufacturer or retailer.

(3) Results of the quality assurance program inspections required pursuant to § 60.5475(m).

(4) For emissions tests conducted pursuant to the quality assurance program required by § 60.5475(m), all test reports, data sheets, laboratory technician notes, calculations, and test results for all test runs, the corrective actions taken, if any, and any follow-up actions such as additional testing.

(b) Each approved test laboratory and third-party certifier must maintain records consisting of all documentation pertaining to each certification test, quality assurance program inspection and audit test, including the full test report and raw data sheets, technician notes, calculations, the test results for all test runs. Each approved test laboratory must submit accreditation credentials and all proficiency test results to the Administrator. Each third-party certifier must submit each certification test, quality assurance program inspection report and ISO-IEC accreditation credentials to the Administrator.

(c) Each manufacturer must retain each central heater upon which certification tests were performed and

certification granted under § 60.5475(a)(2) at the manufacturer's facility for 5 years after the certification test. Each central heater must remain sealed and unaltered. Any such central heater must be made available upon request to the Administrator for inspection and testing.

(d) Each manufacturer of an affected central heater model line certified pursuant to § 60.5475(a)(2) must submit a report to the Administrator every 2 years following issuance of a certificate of compliance for each model line. This report must include the sales for each model by state and certify that no changes in the design or manufacture of the model line have been made that require recertification pursuant to § 60.5475(k).

(e)(1) Unless otherwise specified, all records required under this section must be maintained by the manufacturer, commercial owner of the affected central heater, approved test laboratory or third-party certifier for a period of no less than 5 years.

(2) Unless otherwise specified, all reports to the Administrator required under this subpart must be made to: *WoodHeaterReports@epa.gov*.

(f) Within 60 days after the date of completing each performance test (e.g., initial certification test, tests conducted for quality assurance and tests for renewal or recertification), each manufacturer must submit performance test data electronically to *WoodHeaterReports@epa.gov*. Owners or operators who claim that some of the information being submitted for performance tests is CBI (e.g., design drawings) must submit a complete file, including information claimed to be CBI on a compact disk or other commonly used electronic storage media (including, but not limited to, flash drives), by mail, and the same file with the CBI omitted, electronically. The compact disk must be clearly marked as CBI and mailed to U.S. EPA, OECA CBI Office, Attention: Residential Wood Heater Compliance Program, Washington, DC 20004. Emission data and all information necessary to determine compliance, except sensitive engineering drawings and sensitive detailed material specifications, cannot be claimed as CBI.

(g) Within 30 days of receiving a certification of compliance for a model line, the manufacturer must make the full non-CBI test report and the summary of the test report available on the manufacturer's Web site.

(h) Each manufacturer who uses the exemption for R&D heaters under § 60.5472(b)(2) must maintain records for at least 5 years documenting where

the heaters were located, that the heaters were never offered for sale or sold and that the heaters were not used for the purpose of heating.

**§ 60.5480 What activities are prohibited under this subpart?**

(a) No person is permitted to advertise for sale, offer for sale, sell or operate an affected residential hydronic heater or forced-air furnace or other central heater that does not have affixed to it a permanent label pursuant to § 60.5478(b) through (d), as applicable.

(b) No person is permitted to advertise for sale, offer for sale, or sell an affected central heater labeled under § 60.5478(d)(1) except for export. No person is permitted to operate an affected central heater in the United States if it is labeled under § 60.5478(d)(1).

(c)(1) No commercial owner is permitted to advertise for sale, offer for sale, or sell an affected central heater permanently labeled under § 60.5478(b) unless:

(i) The affected appliance has been certified to comply with the particulate emission standards pursuant to § 60.5474 as applicable; and

(ii) The commercial owner provides any purchaser or transferee with an owner's manual that meets the requirements of § 60.5478(f), a copy of the warranty and a moisture meter.

(2) A commercial owner other than a manufacturer complies with the requirements of paragraph (c)(1) of this section if the commercial owner:

(i) Receives the required documentation from the manufacturer or a previous commercial owner; and

(ii) Provides that documentation unaltered to any person to whom the central heater that it covers is sold or transferred.

(d)(1) In any case in which the Administrator revokes a certificate of compliance either for the knowing submission of false or inaccurate information or other fraudulent acts, or based on a finding under § 60.5475(l)(1)(ii) that the certification test was not valid, the Administrator may give notice of that revocation and the grounds for it to all commercial owners.

(2) On and after the date of receipt of the notice given under paragraph (d)(1) of this section, no commercial owner is permitted to sell any central heater covered by the revoked certificate (other than to the manufacturer) unless the model line has been recertified in accordance with this subpart.

(e) No person is permitted to install or operate an affected central heater except in a manner consistent with the

instructions on its permanent label and in the owner's manual pursuant to § 60.5478(f), including only using fuels for which the unit is certified.

(f) No person is permitted to operate, sell or offer for sale an affected central heater that was originally equipped with a catalytic combustor if the catalytic element is deactivated or removed.

(g) No person is permitted to operate, sell or offer for sale an affected central heater that has been physically altered to exceed the tolerance limits of its certificate of compliance, pursuant to § 60.5475(k).

(h) No person is permitted to alter, deface, or remove any permanent label required to be affixed pursuant to § 60.5478(a) through (d), as applicable.

(i) If a temporary label is affixed to the central heater, retailers may not sell or offer for sale that central heater unless the temporary label affixed is in accordance with § 60.5478(e), as applicable.

**§ 60.5481 What hearing and appeal procedures apply to me?**

(a)(1) The affected manufacturer, laboratory or third-party certifier may request a hearing under this section within 30 days following receipt of the required notification in any case where the Administrator—

(i) Denies an application for a certificate of compliance under § 60.5475 (a)(2);

(ii) Denies an application for a renewal of certification under § 60.5475(i);

(iii) Issues a notice of revocation of certification under § 60.5475(l);

(iv) Denies an application for laboratory approval under § 60.5477(a);

(v) Issues a notice of revocation of laboratory approval under § 60.5477(b).

(vi) Denies an application for third-party certifier approval under § 60.5477(d); or

(vii) Issues a notice of revocation of third-party certifier approval under § 60.5477(e).

(2) In any case where the Administrator issues a notice of revocation under § 60.5475(n)(3)(ii), the manufacturer may request a hearing under this section with the time limits set out in § 60.5475(n)(3)(ii).

(b) Any hearing request must be in writing, must be signed by an authorized representative of the petitioning manufacturer or laboratory, and must include a statement setting forth with particularity the petitioner's objection to the Administrator's determination or proposed determination.

(c)(1) Upon receipt of a request for a hearing under paragraph (a) of this

section, the Administrator will request the Chief Administrative Law Judge to designate an Administrative Law Judge as Presiding Officer for the hearing. If the Chief Administrative Law Judge replies that no Administrative Law Judge is available to perform this function, the Administrator will designate a Presiding Officer who has not had any prior responsibility for the matter under review, and who is not subject to the direct control or supervision of someone who has had such responsibility.

(2) The hearing will commence as soon as practicable at a time and place fixed by the Presiding Officer.

(3)(i) A motion for leave to intervene in any proceeding conducted under this section must set forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (c)(3)(iii) of this section within 10 days after service of the motion for leave to intervene.

(ii) A motion for leave to intervene in a proceeding must ordinarily be filed before the first prehearing conference or, in the absence of a prehearing conference, prior to the setting of a time and place for a hearing. Any motion filed after that time must include, in addition to the information set forth in paragraph (c)(3)(i) of this section, a statement of good cause for the failure to file in a timely manner. The intervenor shall be bound by any agreements, arrangements and other matters previously made in the proceeding.

(iii) A motion for leave to intervene may be granted only if the movant demonstrates that his presence in the proceeding would not unduly prolong or otherwise prejudice the adjudication of the rights of the original parties, and that movant may be adversely affected by a final order. The intervenor will become a full party to the proceeding upon the granting of leave to intervene.

(iv) Persons not parties to the proceeding may move for leave to file *amicus curiae* briefs. The movant must state his interest and the reasons why the proposed *amicus* brief is desirable. If the motion is granted, the Presiding Officer or Administrator will issue an order setting the time for filing such brief. An *amicus curia* may participate in any briefing after his motion is granted, and will be served with all

briefs, reply briefs, motions, and orders relating to issues to be briefed.

(4) In computing any period of time prescribed or allowed in this subpart, the day of the event from which the designated period begins to run will not be included. Saturdays, Sundays, and federal legal holidays will be included. When a stated time expires on a Saturday, Sunday or legal holiday, the stated time period will be extended to include the next business day.

(d)(1) Upon his appointment the Presiding Officer must establish a hearing file. The file will consist of the notice issued by the Administrator under §§ 60.5475(c)(2), 60.5475(f)(3), 60.5475(i)(4), 60.5475(l)(2), 60.5475(n)(3)(ii)(A), 60.5477(a)(3), 60.5477(b)(2), 60.5477(d)(3) or 60.5477(e)(2), together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification or approval, or the proposed revocation of either.

(2) The hearing file must be available for inspection by any party, to the extent authorized by law, at the office of the Presiding Officer, or other place designated by him.

(e) Any party may appear in person, or may be represented by counsel or by any other duly authorized representative.

(f)(1) The Presiding Officer, upon the request of any party, or at his discretion, may order a prehearing conference at a time and place specified by him to consider the following:

- (i) Simplification of the issues;
- (ii) Stipulations, admissions of fact, and the introduction of documents;
- (iii) Limitation of the number of expert witnesses;
- (iv) Possibility of agreement disposing of all or any of the issues in dispute; and
- (v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference must be reduced to writing by the Presiding Officer and made part of the record.

(g)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer will call to the attention of witnesses that their statements may be subject to penalties under title 18 U.S.C. 1001 for knowingly making false statements or

representations or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings must be recorded verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations and similar data offered in evidence at the hearings must, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy and materiality, be received in evidence and will constitute a part of the record.

(h)(1) The Presiding Officer will make an initial decision which must include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions and written decision must be provided to the parties and made a part of the record. The initial decision will become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator. Except as provided in paragraph (h)(3) of this section, any such appeal must be taken within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator will have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator must include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

(3) In any hearing requested under paragraph (a)(2) of this section the Presiding Officer must render the initial decision within 60 days of that request. Any appeal to the Administrator must be taken within 10 days of the initial decision, and the Administrator must render a decision in that appeal within 30 days of the filing of the appeal.

#### **§ 60.5482 Who implements and enforces this subpart?**

(a) Under section 111(c) of the Clean Air Act, the Administrator may delegate the following implementation and enforcement authority to a state, local or tribal authority upon request:

(1) Enforcement of prohibitions on the installation and operation of affected central heaters in a manner inconsistent with the installation and owner's manual;

(2) Enforcement of prohibitions on operation of catalytic central heaters where the catalyst has been deactivated or removed;

(3) Enforcement of prohibitions on advertisement and/or sale of uncertified model lines;

(4) Enforcement of prohibitions on advertisement and/or sale of affected central heaters that do not have required permanent label;

(5) Enforcement of proper labeling of affected central heaters;

(6) Enforcement of compliance with other labeling requirements for affected central heaters.

(7) Enforcement of certification testing procedures;

(8) Enforcement of requirements for sealing of the tested central heaters and meeting parameter limits; and

(9) Enforcement of compliance requirements of EPA-approved laboratories.

(b) Delegations shall not include:

- (1) Decisions on certification;
- (2) Revocation of certification;
- (3) Establishment or revision of standards;
- (4) Establishment or revision of test methods;

(5) Laboratory and third-party certifier approvals and revocations;

(6) Enforcing provisions governing content of owner's manuals; and

(7) Hearings and appeals procedures.

(c) Nothing in these delegations will prohibit the Administrator from enforcing any applicable requirements.

(d) Nothing in these delegations will limit delegated entities from using their authority under section 116 of the Clean Air Act to adopt or enforce more restrictive requirements.

#### **§ 60.5483 What parts of the General Provisions do not apply to me?**

The following provisions of subpart A of part 60 do not apply to this subpart:

- (a) Section 60.7;
- (b) Section 60.8(a), (c), (d), (e), (f) and (g); and
- (c) Section 60.15(d).

■ 6. Part 60 Appendix A-8 is amended by adding Test Methods 28R, 28WHH, and 28WHH-PTS to follow Test Method 28A to read as follows:

#### **Appendix A-8 to Part 60—Test Methods 26 through 30B**

\* \* \* \* \*

## Test Method 28R for Certification and Auditing of Wood Heaters

### 1.0 Scope and Application

1.1 This test method applies to certification and auditing of wood-fired room heaters and fireplace inserts.

1.2 The test method covers the fueling and operating protocol for measuring particulate emissions, as well as determining burn rates, heat output and efficiency.

1.3 Particulate emissions are measured by the dilution tunnel method as specified in ASTM E2515–11 *Standard Test Method for Determination of Particulate Matter Emissions Collected in a Dilution Tunnel* (IBR, see § 60.17). Upon request, four-inch filters may be used. Upon request, Teflon membrane filters or Teflon-coated glass fiber filters may be used.

### 2.0 Procedures

2.1 This method incorporates the provisions of ASTM E2780–10 (IBR, see § 60.17) except as follows:

2.1.1 The burn rate categories, low burn rate requirement, and weightings in Method 28 shall be used.

2.1.2 The startup procedures shall be the same as in Method 28.

2.1.3 Manufacturers shall not specify a smaller volume of the firebox for testing than the full usable firebox.

2.1.4 Prior to testing, the heater must be operated for a minimum of 50 hours using a medium burn rate. The conditioning may be at the manufacturer's facility prior to the certification test. If the conditioning is at the certification test laboratory, the pre-burn for the first test can be included as part of the conditioning requirement.

2.2 Manufacturers may use ASTM E871–82 (reapproved 2013) (IBR, see § 60.17) as an alternative to the procedures in Method 5H or Method 28 for determining total weight basis moisture in the analysis sample of particulate wood fuel.

## Test Method 28WHH for Measurement of Particulate Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances

### 1.0 Scope and Application

1.1 This test method applies to wood-fired hydronic heating appliances. The units typically transfer heat through circulation of a liquid heat exchange media such as water or a water-antifreeze mixture.

1.2 The test method measures particulate emissions and delivered heating efficiency at specified heat output rates based on the appliance's rated heating capacity.

1.3 Particulate emissions are measured by the dilution tunnel method as specified in ASTM E2515–11 *Standard Test Method for Determination of Particulate Matter Emissions Collected in a Dilution Tunnel* (IBR, see § 60.17). Upon request, four-inch filters may be used. Upon request, Teflon membrane filters or Teflon-coated glass fiber filters may be used. Delivered efficiency is measured by determining the heat output through measurement of the flow rate and temperature change of water circulated through a heat exchanger external to the appliance and determining the input from the mass of dry wood fuel and its higher

heating value. Delivered efficiency does not attempt to account for pipeline loss.

1.4 Products covered by this test method include both pressurized and non-pressurized heating appliances intended to be fired with wood. These products are wood-fired hydronic heating appliances that the manufacturer specifies for indoor or outdoor installation. They are often connected to a heat exchanger by insulated pipes and normally include a pump to circulate heated liquid. They are used to heat structures such as homes, barns and greenhouses and can heat domestic hot water, spas or swimming pools.

1.5 Distinguishing features of products covered by this standard include:

1.5.1 Manufacturer specifies for indoor or outdoor installation.

1.5.2 A firebox with an access door for hand loading of fuel.

1.5.3 Typically, an aquastat that controls combustion air supply to maintain the liquid in the appliance within a predetermined temperature range provided sufficient fuel is available in the firebox.

1.5.4 A chimney or vent that exhausts combustion products from the appliance.

1.6 The values stated are to be regarded as the standard whether in I–P or SI units. The values given in parentheses are for information only.

### 2.0 Summary of Method and References

2.1 Particulate matter emissions are measured from a wood-fired hydronic heating appliance burning a prepared test fuel crib in a test facility maintained at a set of prescribed conditions. Procedures for determining burn rates, and particulate emissions rates and for reducing data are provided.

2.2 Referenced Documents

2.2.1 EPA Standards

2.2.1.1 Method 28 Certification and Auditing of Wood Heaters

2.2.2 Other Standards

2.2.2.1 ASTM E2515–11—*Standard Test Method for Determination of Particulate Matter Emissions Collected in a Dilution Tunnel* (IBR, see § 60.17).

2.2.2.2 CSA–B415.1–10 *Performance Testing of Solid-Fuel-Burning Heating Appliances* (IBR, see § 60.17).

### 3.0 Terminology

3.1 Definitions.

3.1.1 Hydronic Heating—A heating system in which a heat source supplies energy to a liquid heat exchange media such as water that is circulated to a heating load and returned to the heat source through pipes.

3.1.2 Aquastat—A control device that opens or closes a circuit to control the rate of fuel consumption in response to the temperature of the heating media in the heating appliance.

3.1.3 Delivered Efficiency—The percentage of heat available in a test fuel charge that is delivered to a simulated heating load as specified in this test method.

3.1.4 Manufacturer's Rated Heat Output Capacity—The value in Btu/hr (MJ/hr) that the manufacturer specifies that a particular model of hydronic heating appliance is

capable of supplying at its design capacity as verified by testing, in accordance with Section 13.

3.1.5 Burn Rate—The rate at which test fuel is consumed in an appliance. Measured in pounds (lbs) or kilograms of wood (dry basis) per hour (lb/hr or kg/hr).

3.1.6 Firebox—The chamber in the appliance in which the test fuel charge is placed and combusted.

3.1.7 Test Fuel Charge—The collection of test fuel layers placed in the appliance at the start of the emission test run.

3.1.8 Test Fuel Layer—Horizontal arrangement of test fuel units.

3.1.9 Test Fuel Unit—One or more test fuel pieces with ¾ inch (19 mm) spacers attached to the bottom and to one side. If composed of multiple test fuel pieces, the bottom spacer may be one continuous piece.

3.1.10 Test Fuel Piece—A single 4 x 4 (4 ± 0.25 inches by 4 ± 0.25 inches) [100 ± 6 mm by 100 ± 6 mm] white or red oak wood piece cut to the length required.

3.1.11 Test Run—An individual emission test that encompasses the time required to consume the mass of the test fuel charge.

3.1.12 Overall Efficiency (SLM)—The efficiency for each test run as determined using the CSA B415.1–10 (IBR, see § 60.17) stack loss method.

3.1.13 Thermopile—A device consisting of a number of thermocouples connected in series, used for measuring differential temperature.

### 4.0 Summary of Test Method

4.1 Dilution Tunnel. Emissions are determined using the “dilution tunnel” method specified in ASTM E2515–11 *Standard Test Method for Determination of Particulate Matter Emissions Collected in a Dilution Tunnel* (IBR, see § 60.17). The flow rate in the dilution tunnel is maintained at a constant level throughout the test cycle and accurately measured. Samples of the dilution tunnel flow stream are extracted at a constant flow rate and drawn through high efficiency filters. The filters are dried and weighed before and after the test to determine the emissions catch and this value is multiplied by the ratio of tunnel flow to filter flow to determine the total particulate emissions produced in the test cycle.

4.2 Efficiency. The efficiency test procedure takes advantage of the fact that this type of appliance delivers heat through circulation of the heated liquid (water) from the appliance to a remote heat exchanger and back to the appliance. Measurements of the water temperature difference as it enters and exits the heat exchanger along with the measured flow rate allow for an accurate determination of the useful heat output of the appliance. The input is determined by weight of the test fuel charge, adjusted for moisture content, multiplied by the higher heating value. Additional measurements of the appliance weight and temperature at the beginning and end of a test cycle are used to correct for heat stored in the appliance. Overall efficiency (SLM) is determined using the CSA B415.1–10 (IBR, see § 60.17) stack loss method for data quality assurance purposes.

4.3 Operation. Appliance operation is conducted on a hot-to-hot test cycle meaning



that the appliance is brought to operating temperature and a coal bed is established prior to the addition of the test fuel charge and measurements are made for each test fuel charge cycle. The measurements are made under constant heat draw conditions within predetermined ranges. No attempt is made to modulate the heat demand to simulate an indoor thermostat cycling on and off in response to changes in the indoor environment. Four test categories are used. These are:

4.3.1 Category I: A heat output of 15 percent or less of manufacturer's rated heat output capacity.

4.3.2 Category II: A heat output of 16 percent to 24 percent of manufacturer's rated heat output capacity.

4.3.3 Category III: A heat output of 25 percent to 50 percent of manufacturer's rated heat output capacity.

4.3.4 Category IV: Manufacturer's rated heat output capacity.

## 5.0 Significance and Use

5.1 The measurement of particulate matter emission rates is an important test method widely used in the practice of air pollution control.

5.1.1 These measurements, when approved by state or federal agencies, are often required for the purpose of determining compliance with regulations and statutes.

5.1.2 The measurements made before and after design modifications are necessary to demonstrate the effectiveness of design changes in reducing emissions and make this standard an important tool in manufacturers' research and development programs.

5.2 Measurement of heating efficiency provides a uniform basis for comparison of product performance that is useful to the consumer. It is also required to relate emissions produced to the useful heat production.

5.3 This is a laboratory method and is not intended to be fully representative of all actual field use. It is recognized that users of hand-fired, wood-burning equipment have a great deal of influence over the performance of any wood-burning appliance. Some compromises in realism have been made in the interest of providing a reliable and repeatable test method.

## 6.0 Test Equipment

6.1 Scale. A platform scale capable of weighing the appliance under test and associated parts and accessories when completely filled with water to an accuracy of  $\pm 1.0$  pound ( $\pm 0.5$  kg).

6.2 Heat Exchanger. A water-to-water heat exchanger capable of dissipating the expected heat output from the system under test.

6.3 Water Temperature Difference Measurement. A Type—T 'special limits' thermopile with a minimum of 5 pairs of junctions shall be used to measure the temperature difference in water entering and leaving the heat exchanger. The temperature difference measurement uncertainty of this type of thermopile is equal to or less than  $\pm 0.50$  °F ( $\pm 0.25$  °C). Other temperature measurement methods may be used if the temperature difference measurement

uncertainty is equal to or less than  $\pm 0.50$  °F ( $\pm 0.25$  °C).

6.4 Water Flow Meter. A water flow meter shall be installed in the inlet to the load side of the heat exchanger. The flow meter shall have an accuracy of  $\pm 1$  percent of measured flow.

6.4.1 Optional—Appliance Side Water Flow Meter. A water flow meter with an accuracy of  $\pm 1$  percent of the flow rate is recommended to monitor supply side water flow rate.

6.5 Optional Recirculation Pump. Circulating pump used during test to prevent stratification of liquid being heated.

6.6 Water Temperature Measurement—Thermocouples or other temperature sensors to measure the water temperature at the inlet and outlet of the load side of the heat exchanger. Must meet the calibration requirements specified in section 10.1.

6.7 Wood Moisture Meter—Calibrated electrical resistance meter capable of measuring test fuel moisture to within 1 percent moisture content. Must meet the calibration requirements specified in section 10.4.

6.8 Flue Gas Temperature Measurement—Must meet the requirements of CSA B415.1–10 (IBR, see § 60.17), clause 6.2.2.

6.9 Test Room Temperature Measurement—Must meet the requirements of CSA B415.1–10 (IBR, see § 60.17), clause 6.2.1.

6.10 Flue Gas Composition Measurement—Must meet the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.3.1 through 6.3.3.

## 7.0 Safety

7.1 These tests involve combustion of wood fuel and substantial release of heat and products of combustion. The heating system also produces large quantities of very hot water and the potential for steam production and system pressurization. Appropriate precautions must be taken to protect personnel from burn hazards and respiration of products of combustion.

## 8.0 Sampling, Test Specimens and Test Appliances

8.1 Test specimens shall be supplied as complete appliances including all controls and accessories necessary for installation in the test facility. A full set of specifications and design and assembly drawings shall be provided when the product is to be placed under certification of a third-party agency. The manufacturer's written installation and operating instructions are to be used as a guide in the set-up and testing of the appliance.

## 9.0 Preparation of Test Equipment

9.1 The appliance is to be placed on a scale capable of weighing the appliance fully loaded with a resolution of  $\pm 1.0$  lb (0.5 kg).

9.2 The appliance shall be fitted with the type of chimney recommended or provided by the manufacturer and extending to  $15 \pm 0.5$  feet ( $4.6 \pm 0.15$  m) from the upper surface of the scale. If no flue or chimney system is recommended or provided by the manufacturer, connect the appliance to a flue of a diameter equal to the flue outlet of the

appliance. The flue section from the appliance flue collar to  $8 \pm 0.5$  feet above the scale shall be single wall stove pipe and the remainder of the flue shall be double wall insulated class A chimney.

## 9.3 Optional Equipment Use

9.3.1 A recirculation pump may be installed between connections at the top and bottom of the appliance to minimize thermal stratification if specified by the manufacturer. The pump shall not be installed in such a way as to change or affect the flow rate between the appliance and the heat exchanger.

9.3.2 If the manufacturer specifies that a thermal control valve or other device be installed and set to control the return water temperature to a specific set point, the valve or other device shall be installed and set per the manufacturer's written instructions.

9.4 Prior to filling the tank, weigh and record the appliance mass.

## 9.5 Heat Exchanger

9.5.1 Plumb the unit to a water-to-water heat exchanger with sufficient capacity to draw off heat at the maximum rate anticipated. Route hoses, electrical cables, and instrument wires in a manner that does not influence the weighing accuracy of the scale as indicated by placing dead weights on the platform and verifying the scale's accuracy.

9.5.2 Locate thermocouples to measure the water temperature at the inlet and outlet of the load side of the heat exchanger.

9.5.3 Install a thermopile meeting the requirements of section 6.3 to measure the water temperature difference between the inlet and outlet of the load side of the heat exchanger.

9.5.4 Install a calibrated water flow meter in the heat exchanger load side supply line. The water flow meter is to be installed on the cooling water inlet side of the heat exchanger so that it will operate at the temperature at which it is calibrated.

9.5.5 Place the heat exchanger in a box with 2 in. (50 mm) of expanded polystyrene (EPS) foam insulation surrounding it to minimize heat losses from the heat exchanger.

9.5.6 The reported efficiency and heat output rate shall be based on measurements made on the load side of the heat exchanger.

9.5.7 Temperature instrumentation per section 6.6 shall be installed in the appliance outlet and return lines. The average of the outlet and return water temperature on the supply side of the system shall be considered the average appliance temperature for calculation of heat storage in the appliance ( $TF_{avg}$  and  $TI_{avg}$ ). Installation of a water flow meter in the supply side of the system is optional.

9.6 Fill the system with water. Determine the total weight of the water in the appliance when the water is circulating. Verify that the scale indicates a stable weight under operating conditions. Make sure air is purged properly.

## 10.0 Calibration and Standardization

10.1 Water Temperature Sensors. Temperature measuring equipment shall be calibrated before initial use and at least semi-annually thereafter. Calibrations shall be in



compliance with National Institute of Standards and Technology (NIST) Monograph 175, Standard Limits of Error.

#### 10.2 Heat Exchanger Load Side Water Flow Meter.

10.2.1 The heat exchanger load side water flow meter shall be calibrated within the flow range used for the test run using NIST traceable methods. Verify the calibration of the water flow meter before and after each test run and at least once during each test run by comparing the water flow rate indicated by the flow meter to the mass of water collected from the outlet of the heat exchanger over a timed interval. Volume of the collected water shall be determined based on the water density calculated from section 13, Eq. 8, using the water temperature measured at the flow meter. The uncertainty in the verification procedure used shall be 1 percent or less. The water flow rate determined by the collection and weighing method shall be within 1 percent of the flow rate indicated by the water flow meter.

10.3 Scales. The scales used to weigh the appliance and test fuel charge shall be calibrated using NIST traceable methods at least once every 6 months.

10.4 Moisture Meter. The moisture meter shall be calibrated per the manufacturer's instructions and checked before each use.

10.5 Flue Gas Analyzers—In accordance with CSA B415.1–10 (IBR, see § 60.17), clause 6.8.

### 11.0 Conditioning

11.1 Prior to testing, the appliance is to be operated for a minimum of 50 hours using a medium heat draw rate. The conditioning may be at the manufacturer's facility prior to the certification test. If the conditioning is at the certification test laboratory, the pre-burn for the first test can be included as part of the conditioning requirement. If conditioning is included in pre-burn, then the appliance shall be aged with fuel meeting the specifications outlined in sections 12.2 with a moisture content between 19 and 25 percent on a dry basis. Operate the appliance at a medium burn rate (Category II or III) for at least 10 hours for noncatalytic appliances and 50 hours for catalytic appliances. Record and report hourly flue gas exit temperature data and the hours of operation. The aging procedure shall be conducted and documented by a testing laboratory.

### 12.0 Procedure

12.1 Appliance Installation. Assemble the appliance and parts in conformance with the manufacturer's written installation instructions. Clean the flue with an appropriately sized, wire chimney brush before each certification test series.

12.2 Fuel. Test fuel charge fuel shall be red (*Quercus ruba L.*) or white (*Quercus alba*) oak 19 to 25 percent moisture content on a dry basis. Piece length shall be 80 percent of the firebox depth rounded down to the nearest 1 inch (25mm) increment. For example, if the firebox depth is 46 inches (1168mm) the 4 x 4 piece length would be 36 inches (46 inches x 0.8 = 36.8 inches rounded down to 36 inches). Pieces are to be placed in the firebox parallel to the longest firebox dimension. For fireboxes with sloped

surfaces that create a non-uniform firebox length, the piece length shall be adjusted for each layer based on 80 percent of the length at the level where the layer is placed. Pieces are to be spaced ¾ inches (19 mm) apart on all faces. The first fuel layer may be assembled using fuel units consisting of multiple 4 x 4s consisting of single pieces with bottom and side spacers of 3 or more pieces if needed for a stable layer. The second layer may consist of fuel units consisting of no more than two pieces with spacers attached on the bottom and side. The top two layers of the fuel charge must consist of single pieces unless the fuel charge is only three layers. In that instance only the top layer must consist of single units. Three-quarter inch (19 mm) by 1.5 inch (38 mm) spacers shall be attached to the bottom of piece to maintain a ¾ inch (19 mm) separation. When a layer consists of two or more units of 4 x 4s an additional ¾ inch (19 mm) thick by 1.5 inch (38 mm) wide spacer shall be attached to the vertical face of each end of one 4 x 4, such that the ¾ inch (19 mm) space will be maintained when two 4 x 4 units or pieces are loaded side by side. In cases where a layer contains an odd number of 4 x 4s one piece shall not be attached, but shall have spacers attached in a manner that will provide for the ¾ inch (19 mm) space to be maintained (See Figure 1). Spacers shall be attached perpendicular to the length of the 4 x 4s such that the edge of the spacer is 1 ± 0.25 inch from the end of the 4 x 4s in the previous layers. Spacers shall be red or white oak and will be attached with either nails (non-galvanized), brads or oak dowels. The use of kiln-dried wood is not allowed.

12.2.1 Using a fuel moisture meter as specified in section 6.7 of the test method, determine the fuel moisture for each test fuel piece used for the test fuel load by averaging at least five fuel moisture meter readings measured parallel to the wood grain. Penetration of the moisture meter insulated electrodes for all readings shall be ¼ the thickness of the fuel piece or 19 mm (¾ in.), whichever is lesser. One measurement from each of three sides shall be made at approximately 3 inches from each end and the center. Two additional measurements shall be made centered between the other three locations. Each individual moisture content reading shall be in the range of 18 to 28 percent on a dry basis. The average moisture content of each piece of test fuel shall be in the range of 19 to 25 percent. It is not required to measure the moisture content of the spacers. Moisture shall not be added to previously dried fuel pieces except by storage under high humidity conditions and temperature up to 100 °F. Fuel moisture shall be measured within 4 hours of using the fuel for a test.

12.2.2 Firebox Volume. Determine the firebox volume in cubic feet. Firebox volume shall include all areas accessible through the fuel loading door where firewood could reasonably be placed up to the horizontal plane defined by the top of the loading door. A drawing of the firebox showing front, side and plan views or an isometric view with interior dimensions shall be provided by the manufacturer and verified by the laboratory.

Calculations for firebox volume from computer aided design (CAD) software programs are acceptable and shall be included in the test report if used. If the firebox volume is calculated by the laboratory the firebox drawings and calculations shall be included in the test report.

12.2.3 Test Fuel Charge. Test fuel charges shall be determined by multiplying the firebox volume by 10 pounds (4.54 kg) per ft³ (28L), or a higher load density as recommended by the manufacturer's printed operating instructions, of wood (as used wet weight). Select the number of pieces of standard fuel that most nearly match this target weight. This is the standard fuel charge for all tests. For example, if the firebox loading area volume is 10 ft³ (280L) and the firebox depth is 46 inches (1168 mm), test fuel charge target is 100 lbs (45 kg) minimum and the piece length is 36 inches (914 mm). If eight 4 x 4s, 36 inches long weigh 105 lbs (48 kg), use 8 pieces for each test fuel charge. All test fuel charges will be of the same configuration.

12.3 Sampling Equipment. Prepare the particulate emission sampling equipment as defined by ASTM E2515–11 *Standard Test Method for Determination of Particulate Matter Emissions Collected in a Dilution Tunnel* (IBR, see § 60.17). Upon request, four-inch filters may be used. Upon request, Teflon membrane filters or Teflon-coated glass fiber filters may be used.

12.4 Appliance Startup. The appliance shall be fired with wood fuel of any species, size and moisture content at the laboratories' discretion to bring it up to operating temperature. Operate the appliance until the water is heated to the upper operating control limit and has cycled at least two times. Then remove all unburned fuel, zero the scale and verify the scales accuracy using dead weights.

12.4.1 Pretest Burn Cycle. Reload appliance with oak wood and allow it to burn down to the specified coal bed weight. The pretest burn cycle fuel charge weight shall be within ± 10 percent of the test fuel charge weight. Piece size and length shall be selected such that charcoalization is achieved by the time the fuel charge has burned down to the required coal bed weight. Pieces with a maximum thickness of approximately 2 inches have been found to be suitable. Charcoalization is a general condition of the test fuel bed evidenced by an absence of large pieces of burning wood in the coal bed and the remaining fuel pieces being brittle enough to be broken into smaller charcoal pieces with a metal poker. Manipulations to the fuel bed prior to the start of the test run are to be done to achieve charcoalization while maintaining the desired heat output rate. During the pre-test burn cycle and at least one hour prior to starting the test run, adjust water flow to the heat exchanger to establish the target heat draw for the test. For the first test run the heat draw rate shall be equal to the manufacturer's rated heat output capacity.

12.4.1.1 Allowable Adjustments. Fuel addition or subtractions, and coal bed raking shall be kept to a minimum but are allowed up to 15 minutes prior to the start of the test

run. For the purposes of this method, coal bed raking is the use of a metal tool (poker) to stir coals, break burning fuel into smaller pieces, dislodge fuel pieces from positions of poor combustion, and check for the condition of charcoalization. Record all adjustments to and additions or subtractions of fuel, and any other changes to the appliance operations that occur during pretest ignition period. During the 15-minute period prior to the start of the test run, the wood heater loading door shall not be open more than a total of 1 minute. Coal bed raking is the only adjustment allowed during this period.

**12.4.2 Coal Bed Weight.** The appliance is to be loaded with the test fuel charge when the coal bed weight is between 10 percent and 20 percent of the test fuel charge weight. Coals may be raked as necessary to level the coal bed but may only be raked and stirred once between 15 to 20 minutes prior to the addition of the test fuel charge.

**12.5 Test Runs.** For all test runs, the return water temperature to the hydronic heater must be equal to or greater than 120 °F. Aquastat or other heater output control device settings that are adjustable shall be set using manufacturer specifications, either as factory set or in accordance with the owner's manual, and shall remain the same for all burn categories.

Complete a test run in each heat output rate category, as follows:

**12.5.1 Test Run Start.** Once the appliance is operating normally and the pretest coal bed weight has reached the target value per section 12.4.2, tare the scale and load the full test charge into the appliance. Time for loading shall not exceed 5 minutes. The actual weight of the test fuel charge shall be measured and recorded within 30 minutes prior to loading. Start all sampling systems.

**12.5.1.1** Record all water temperatures, differential water temperatures and water flow rates at time intervals of one minute or less.

**12.5.1.2** Record particulate emissions data per the requirements of ASTM E2515 (IBR, see § 60.17).

**12.5.1.3** Record data needed to determine overall efficiency (SLM) per the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.2.1, 6.2.2, 6.3, 8.5.7, 10.4.3 (a), 10.4.3(f), and 13.7.9.3

**12.5.1.3.1** Measure and record the test room air temperature in accordance with the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.2.1, 8.5.7 and 10.4.3 (g).

**12.5.1.3.2** Measure and record the flue gas temperature in accordance with the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.2.2, 8.5.7 and 10.4.3 (f).

**12.5.1.3.3** Determine and record the carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>) concentrations in the flue gas in accordance with CSA B415.1–10 (IBR, see § 60.17), clauses 6.3, 8.5.7 and 10.4.3 (i) and (j).

**12.5.1.3.4** Measure and record the test fuel weight per the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 8.5.7 and 10.4.3 (h).

**12.5.1.3.5** Record the test run time per the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 10.4.3 (a).

**12.5.1.4** Monitor the average heat output rate on the load side of the heat exchanger.

If the heat output rate gets close to the upper or lower limit of the target range ( $\pm 5$  percent) adjust the water flow through the heat exchanger to compensate. Make changes as infrequently as possible while maintaining the target heat output rate. The first test run shall be conducted at the Category IV heat output rate to validate that the appliance is capable of producing the manufacturer's rated heat output capacity.

**12.5.2 Test Fuel Charge Adjustment.** It is acceptable to adjust the test fuel charge (*i.e.*, reposition) once during a test run if more than 60 percent of the initial test fuel charge weight has been consumed and more than 10 minutes have elapsed without a measurable (1 lb or 0.5 kg) weight change while the operating control is in the demand mode. The time used to make this adjustment shall be less than 60 seconds.

**12.5.3 Test Run Completion.** The test run is completed when the remaining weight of the test fuel charge is 0.0 lb (0.0 kg). End the test run when the scale has indicated a test fuel charge weight of 0.0 lb (0.0 kg) or less for 30 seconds.

**12.5.3.1** At the end of the test run, stop the particulate sampling train and overall efficiency (SLM) measurements, and record the run time, and all final measurement values.

**12.5.4 Heat Output Capacity Validation.** The first test run must produce a heat output rate that is within 10 percent of the manufacturer's rated heat output capacity (Category IV) throughout the test run and an average heat output rate within 5 percent of the manufacturer's rated heat output capacity. If the appliance is not capable of producing a heat output within these limits, the manufacturer's rated heat output capacity is considered not validated and testing is to be terminated. In such cases, the tests may be restarted using a lower heat output capacity if requested by the manufacturer.

**12.5.5 Additional Test Runs.** Using the manufacturer's rated heat output capacity as a basis, conduct a test for additional heat output categories as specified in section 4.3. It is not required to run these tests in any particular order.

**12.5.6 Alternative Heat Output Rate for Category I.** If an appliance cannot be operated in the Category I heat output range due to stopped combustion, two test runs shall be conducted at heat output rates within Category II, provided that the completed test run burn rate is no greater than the burn rate expected in home use. If this rate cannot be achieved, the test is not valid.

When the alternative heat output rate is used, the weightings for the weighted averages indicated in Table 2 shall be the average of the Category I and II weightings and shall be applied to both Category II results. The two completed runs in Category II will be deemed to meet the requirement for runs completed in both Category I and Category II. Appliances that are not capable of operation within Category II (<25 percent of maximum) cannot be evaluated by this test method. The test report must include full documentation and discussion of the attempted runs, completed runs and calculations.

**12.5.6.1 Stopped Fuel Combustion.** Evidence that an appliance cannot be

operated at a Category I heat output rate due to stopped fuel combustion shall include documentation of two or more attempts to operate the appliance in burn rate Category I and fuel combustion has stopped prior to complete consumption of the test fuel charge. Stopped fuel combustion is evidenced when an elapsed time of 60 minutes or more has occurred without a measurable (1 lb or 0.5 kg) weight change in the test fuel charge while the appliance operating control is in the demand mode. Report the evidence and the reasoning used to determine that a test in burn rate Category I cannot be achieved. For example, two unsuccessful attempts to operate at an output rate of 10 percent of the rated output capacity are not sufficient evidence that burn rate Category I cannot be achieved. Note that section 12.5.6 requires that the completed test run burn rate can be no greater than the burn rate expected in home use. If this rate cannot be achieved, the test is not valid.

**12.5.7 Appliance Overheating.** Appliances shall be capable of operating in all heat output categories without overheating to be rated by this test method. Appliance overheating occurs when the rate of heat withdrawal from the appliance is lower than the rate of heat production when the unit control is in the idle mode. This condition results in the water in the appliance continuing to increase in temperature well above the upper limit setting of the operating control. Evidence of overheating includes: 1 hour or more of appliance water temperature increase above the upper temperature set-point of the operating control, exceeding the temperature limit of a safety control device (independent from the operating control), boiling water in a non-pressurized system or activation of a pressure or temperature relief valve in a pressurized system.

**12.6 Additional Test Runs.** The testing laboratory may conduct more than one test run in each of the heat output categories specified in section 4.3.1. If more than one test run is conducted at a specified heat output rate, the results from at least two-thirds of the test runs in that heat output rate category shall be used in calculating the weighted average emission rate (See section 14.1.14). The measurement data and results of all test runs shall be reported regardless of which values are used in calculating the weighted average emission rate.

### 13.0 Calculation of Results

#### 13.1 Nomenclature

$E_T$ —Total particulate emissions for the full test run as determined per ASTM E2515–11 (IBR, see § 60.17) in grams  
 $E_{g/MJ}$ —Emissions rate in grams per megajoule of heat output  
 $E_{lb/MMBtu}$ —Emissions rate in pounds per million Btu of heat output  
 $E_{g/kg}$ —Emissions factor in grams per kilogram of dry fuel burned  
 $E_{g/hr}$ —Emissions factor in grams per hour  
 HHV—Higher heating value of fuel = 8600 Btu/lb (19.990 MJ/kg)  
 LHV—Lower heating value of fuel = 7988 Btu/lb (18.567 MJ/kg)  
 $\Delta T$ —Temperature difference between water entering and exiting the heat exchanger

$Q_{out}$ —Total heat output in BTU's (megajoules)

$Q_{in}$ —Total heat input available in test fuel charge in BTU (megajoules)

$M$ —Mass flow rate of water in lb/min (kg/min)

$V_i$ —Volume of water indicated by a totalizing flow meter at the  $i$ th reading in gallons (liters)

$V_f$ —Volumetric flow rate of water in heat exchange system in gallons per minute (liters/min)

$\Theta$ —Total length of test run in hours

$t_i$ —Data sampling interval in minutes

$\eta_{del}$ —Delivered heating efficiency in percent

$F_i$ —Weighting factor for heat output category  $i$  (See Table 2)

$T_1$ —Temperature of water at the inlet on the supply side of the heat exchanger

$T_2$ —Temperature of the water at the outlet on the supply side of the heat exchanger

$T_3$ —Temperature of water at the inlet to the load side of the heat exchanger

$T_{avg}$ —Average temperature of the appliance and water at start of the test

$$T_{I_{avg}} = (T_1 + T_2)/2 \text{ at the start of the test, } ^\circ\text{F} \quad \text{Eq. 1}$$

$T_{F_{avg}}$ —Average temperature of the appliance and water at the end of the test

$$T_{F_{avg}} = (T_1 + T_2)/2 \text{ at the end of the test, } ^\circ\text{F} \quad \text{Eq. 2}$$

$MC$ —Fuel moisture content in percent dry basis

$MC_i$ —Average moisture content of individual 4 x 4 fuel pieces in percent dry basis

$MC_{sp}$ —Moisture content of spacers assumed to be 10 percent dry basis

$\sigma$ —Density of water in pounds per gallon

$C_p$ —Specific heat of water in Btu/lb,  $^\circ\text{F}$

$C_{steel}$ —Specific heat of steel (0.1 Btu/lb,  $^\circ\text{F}$ )

$W_{fuel}$ —Fuel charge weight in pounds (kg)

$W_i$ —Weight of individual fuel 4 x 4 pieces in pounds (kg)

$W_{sp}$ —Weight of all spacers used in a fuel load in pounds (kg)

$W_{app}$ —Weight of empty appliance in pounds

$W_{wa}$ —Weight of water in supply side of the system in pounds

13.2 After the test is completed, determine the particulate emissions  $E_T$  in accordance with ASTM E2515–11 (IBR, see § 60.17).

13.3 Determine Average Fuel Load Moisture Content

$$MC_{Ave} = [(\sum W_i \times MC_i) + (W_{sp} \times MC_{sp})] \div W_{fuel}, \% \quad \text{Eq. 3}$$

#### 13.4 Determine heat input

$$Q_{in} = (W_{fuel}/(1+(MC/100))) \times HHV, \text{ BTU} \quad \text{Eq. 4}$$

$$Q_{in \text{ LHV}} = (W_{fuel}/(1+(MC/100))) \times LHV, \text{ BTU} \quad \text{Eq. 5}$$

#### 13.5 Determine Heat Output and Efficiency

##### 13.5.1 Determine heat output as:

$Q_{out} = \sum [\text{Heat output determined for each sampling time interval}] + \text{Change in heat stored in the appliance.}$

$$Q_{out} = \left[ \sum (C_{pi} \cdot \Delta T_i \cdot \dot{M}_i \cdot t_i) \right] + (W_{app} \cdot C_{Steel} + C_{pa} W_{water}) \cdot (T_{F_{avg}} - T_{I_{avg}}), \text{ BTU} \quad \text{Eq. 6}$$

**Note:** The subscript (i) indicates the parameter value for sampling time interval  $t_i$ .

$M_i$  = Mass flow rate = gal/min x density of water (lb/gal) = lb/min

$$M_i = V_{fi} \cdot \sigma_i, \text{ lb/min} \quad \text{Eq. 7}$$

$$\Sigma_i = (62.56 + (-.0003413 \times T_{3i}) + (-.00006225 \times T_{3i}^2)) 0.1337, \text{ lbs/gal} \quad \text{Eq. 8}$$

$$C_p = 1.0014 + (-.000003485 \times T_{3i}) \text{ Btu/lb, } ^\circ\text{F} \quad \text{Eq. 9}$$

$C_{steel} = 0.1 \text{ Btu/lb, } ^\circ\text{F}$

$$C_{pa} = 1.0014 + (-.000003485 \times (T_{I_{avg}} + T_{F_{avg}})/2), \text{ Btu/lb-}^\circ\text{F} \quad \text{Eq. 10}$$

$$V_{fi} = (V_i - V_{i-1})/(t_i - t_{i-1}), \text{ gal/min} \quad \text{Eq. 11}$$

**Note:**  $V_i$  is the total water volume at the end of interval  $i$  and  $V_{i-1}$  is the total water volume at the beginning of the time interval.

This calculation is necessary when a totalizing type water meter is used.

13.5.2 Determine heat output rate as:

$$\text{Heat Output Rate} = Q_{\text{out}}/\Theta, \text{ BTU/hr} \quad \text{Eq. 12}$$

13.5.3 Determine emission rates and emission factors as:

$$E_{\text{g/MJ}} = E_T/(Q_{\text{out}} \times 0.001055), \text{ g/MJ} \quad \text{Eq. 13}$$

$$E_{\text{lb/MM BTU output}} = (E_T/453.59)/(Q_{\text{output}} \times 10^{-6}), \text{ lb/mmBtu Out} \quad \text{Eq. 14}$$

$$E_{\text{g/kg}} = E_T/(W_{\text{fuel}}/(1+MC/100)), \text{ g/dry kg} \quad \text{Eq. 15}$$

$$E_{\text{g/hr}} = E_T/\Theta, \text{ g/hr} \quad \text{Eq. 16}$$

13.5.4 Determine delivered efficiency as:

$$\eta_{\text{del}} = (Q_{\text{out}}/Q_{\text{in}}) \times 100, \% \quad \text{Eq. 17}$$

$$\eta_{\text{del LHV}} = (Q_{\text{out}}/Q_{\text{in LHV}}) \times 100, \% \quad \text{Eq. 18}$$

13.5.5 Determine  $\eta_{\text{SLM}}$ —Overall Efficiency (SLM) using Stack Loss

For determination of the average overall thermal efficiency ( $\eta_{\text{SLM}}$ ) for the test run, use the data collected over the full test run and the calculations in accordance with CSA B415.1–10 (IBR, see § 60.17), clause 13.7 except for 13.7.2 (e), (f), (g), and (h), use the following average fuel properties for oak: percent C = 50.0, percent H = 6.6, percent O = 43.2, percent ash = 0.2 percent. The averaging period for determination of efficiency by the stack loss method allows averaging over 10 minute time periods for flue gas temperature, flue gas  $\text{CO}_2$ , and flue gas CO for the determination of the efficiency. However, under some cycling conditions the “on” period may be short

relative to this 10 minute period. For this reason, during cycling operation the averaging period for these parameters may not be longer than the burner on period divided by 10. The averaging period need not be shorter than one minute. During the off period, under cycling operation, the averaging periods specified may be used. Where short averaging times are used, however, the averaging period for fuel consumption may still be at 10 minutes. This average wood consumption rate shall be applied to all of the smaller time intervals included.

13.5.5.1 Whenever the CSA B415.1–10 (IBR, see § 60.17) overall efficiency is found to be lower than the overall efficiency based on load side measurements, as determined by Eq. 16 of this method, section 14.1.7 of the

test report must include a discussion of the reasons for this result.

13.6 Weighted Average Emissions and Efficiency

13.6.1 Determine the weighted average emission rate and delivered efficiency from the individual tests in the specified heat output categories. The weighting factors ( $F_i$ ) are derived from an analysis of ASHRAE bin data which provides details of normal building heating requirements in terms of percent of design capacity and time in a particular capacity range—or “bin”—over the course of a heating season. The values used in this method represent an average of data from several cities located in the northern United States.

$$\text{Weighted average delivered efficiency: } \eta_{\text{avg}} = \sum \eta_i \times F_i, \% \quad \text{Eq. 19}$$

$$\text{Weighted average emissions: } E_{\text{avg}} = \sum E_i \times F_i, \% \quad \text{Eq. 20}$$

13.7 Average Heat Output ( $Q_{\text{out-8hr}}$ ) and Efficiency ( $\eta_{\text{avg-8hr}}$ ) for 8 hour burn time.

13.7.1 Units tested under this standard typically require infrequent fuelling, 8 to 12

hours intervals being typical. Rating unit's based on an average output sustainable over an 8 hour duration will assist consumers in

appropriately sizing units to match the theoretical heat demand of their application.

13.7.2 Calculations:

$$Q_{\text{out-8hr}} = X1 + \{ (8 - Y1) \times [ (X2 - X1) / (Y2 - Y1) ] \}, \% \quad \text{Eq. 21}$$

$$\eta_{\text{avg-8hr}} = \eta_{\text{del1}} + \{ (8 - Y1) \times [ (\eta_{\text{del2}} - \eta_{\text{del1}}) / (Y2 - Y1) ] \}, \% \quad \text{Eq. 22}$$

Where:

Y1 = Test duration just above 8 hrs

Y2 = Test duration just below 8 hrs

X1 = Actual load for duration Y1

X2 = Actual load for duration Y2

$\eta_{del1}$  = Average delivered efficiency for duration Y1

$\eta_{del2}$  = Average delivered efficiency for duration Y2

13.7.2.1 Determine the test durations and actual load for each category as recorded in Table 1A.

13.7.2.2 Determine the data point that has the nearest duration greater than 8 hrs.

X1 = Actual load,

Y1 = Test duration, and

$\eta_{del1}$  = Average delivered efficiency for this data point

13.7.2.3 Determine the data point that has the nearest duration less than 8 hours.

X2 = Actual load,

Y2 = Test duration, and

$\eta_{del2}$  = Average delivered efficiency for this data point

13.7.2.4 Example:

#### CATEGORY ACTUAL LOAD DURATION [Category Actual Load Duration $\eta_{del}$ ]

	(Btu/Hr)	(Hr)	(%)
1	15,000 .....	10.2	70.0
2	26,000 .....	8.4	75.5
3	50,000 .....	6.4	80.1
4	100,000 .....	4.7	80.9

Category 2 duration is just above 8 hours, therefore: X1 = 26,000 Btu/hr,  $\eta_{del1}$  = 75.5% and Y1 = 8.4 hrs

Category 3 duration is just below 8 hours, therefore: X2 = 50,000 Btu/hr,  $\eta_{del2}$  = 80.1% and Y2 = 6.4 hrs

$Q_{out-8hr} = 26,000 + \{(8-8.4) \times [(50,000-26,000)/(6.4-8.4)]\} = 30,800$  BTU/hr

$\eta_{avg-8hr} = 75.5 + \{(8-8.4) \times [(80.1-75.5)/(6.4-8.4)]\} = 76.4\%$

#### 13.8 Carbon Monoxide Emissions

For each minute of the test period, the carbon monoxide emission rate shall be calculated as:

$$CO_{g/min} = Q_{std} \cdot CO_s \cdot 3.30 \times 10^{-5} \quad \text{Eq. 23}$$

Total CO emissions for each of the three test periods (CO<sub>1</sub>, CO<sub>2</sub>, CO<sub>3</sub>) shall be calculated as the sum of the emission rates for each of the 1 minute intervals.

Total CO emission for the test run, CO<sub>T</sub>, shall be calculated as the sum of CO<sub>1</sub>, CO<sub>2</sub>, and CO<sub>3</sub>.

#### 14.0 Report

14.1.1 The report shall include the following.

14.1.2 Name and location of the laboratory conducting the test.

14.1.3 A description of the appliance tested and its condition, date of receipt and dates of tests.

14.1.4 A statement that the test results apply only to the specific appliance tested.

14.1.5 A statement that the test report shall not be reproduced except in full, without the written approval of the laboratory.

14.1.6 A description of the test procedures and test equipment including a schematic or other drawing showing the location of all required test equipment. Also, a description of test fuel sourcing, handling and storage practices shall be included.

14.1.7 Details of deviations from, additions to or exclusions from the test

method, and their data quality implications on the test results (if any), as well as information on specific test conditions, such as environmental conditions.

14.1.8 A list of participants and observers present for the tests.

14.1.9 Data and drawings indicating the fire box size and location of the fuel charge.

14.1.10 Drawings and calculations used to determine firebox volume.

14.1.11 Information for each test run fuel charge including piece size, moisture content, and weight.

14.1.12 All required data for each test run shall be provided in spreadsheet format. Formulae used for all calculations shall be accessible for review.

14.1.13 Test run duration for each test.

14.1.14 Calculated results for delivered efficiency at each burn rate and the weighted average emissions reported as total emissions in grams, pounds per mm Btu of delivered heat, grams per MJ of delivered heat, grams per kilogram of dry fuel and grams per hour. Results shall be reported for each heat output category and the weighted average.

14.1.15 Tables 1A, 1B, 1C and Table 2 must be used for presentation of results in test reports.

14.1.16 A statement of the estimated uncertainty of measurement of the emissions and efficiency test results.

14.1.17 Raw data, calibration records, and other relevant documentation shall be retained by the laboratory for a minimum of 7 years.

#### 15.0 Precision and Bias

15.1 Precision—It is not possible to specify the precision of the procedure in Method 28WHH because the appliance operation and fueling protocols and the appliances themselves produce variable amounts of emissions and cannot be used to determine reproducibility or repeatability of this measurement method.

15.2 Bias—No definitive information can be presented on the bias of the procedure in Method 28WHH for measuring solid fuel burning hydronic heater emissions because no material having an accepted reference value is available.

#### 16.0 Keywords

16.1 Solid fuel, hydronic heating appliances, wood-burning hydronic heaters.

**Table 1A. Data Summary Part A**

						$\Theta$	$W_{fuel}$	$MC_{ave}$	$Q_{in}$	$Q_{out}$
Category	Run No	Load % Capacity	Target Load	Actual Load	Act Load	Test Duration	Wood Wt	Wood Moisture	Heat Input	Heat Output
			BTU/hr	BTU/hr	% of max	hrs	lb	% DB	BTU	BTU
I		< 15% of max								
II		16-24% of max								
III		25-50% of max								
IV		Max capacity								

**Table 1B. Data Summary Part B**

			T2 Min	$E_T$	E	E	$E_{g/hr}$	$E_{g/kg}$	$\eta_{del}$	$\eta_{SLM}$
Category	Run No	Load % Capacity	Min Return Water Temp.	Total PM Emissions	PM Output Based	PM Output Based	PM Rate	PM Factor	Delivered Efficiency	Stack Loss Efficiency
			°F	g	lb <sub>MMBTU Out</sub>	g/MJ	g/hr	g/kg	%	%
I		< 15% of max								
II		16-24% of max								
III		25-50% of max								
IV		Max capacity								

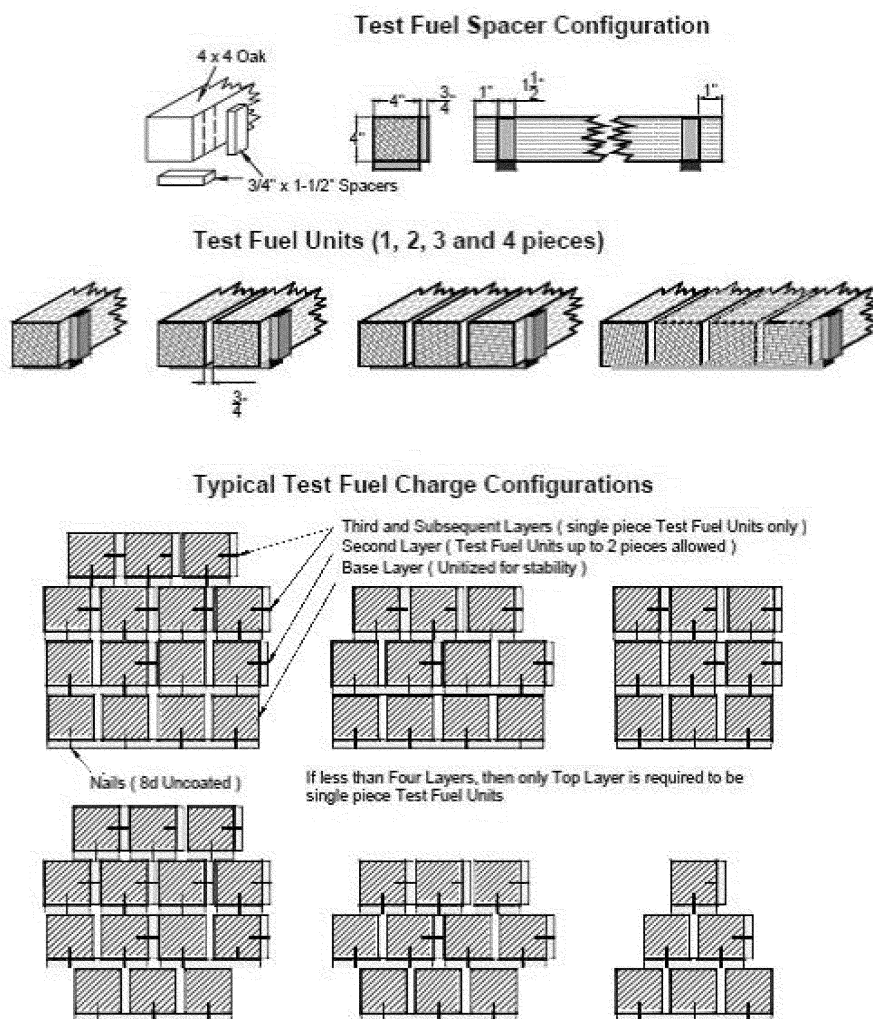
**Table 1C: Hangtag Information (optional)**

MANUFACTURER:			
MODEL NUMBER:			
MAXIMUM OUTPUT RATING:	$Q_{max}$		BTU/HR
ANNUAL EFFICIENCY RATING:	$N_{avg}$		(Using higher heating value)
PARTICLE EMISSIONS:	$E_{avg}$		GRAMS/HR (average)
			LBS/MILLION BTU OUTPUT
CARBON MONOXIDE:	COg/MIN		GRAMS/MINUTE

Table 2. Annual Weighting

Category	Weighting Factor (F <sub>i</sub> )	$\eta_{del,i} \times F_i$	$E_{g/MJ,i} \times F_i$	$E_{g/kg,i} \times F_i$	$E_{lb/mmBtu\ Out,i} \times F_i$	$E_{g/hr,i} \times F_i$
I	0.437					
II	0.238					
III	0.275					
IV	0.050					
Totals	1.000					

Figure 1. Typical Test Fuel Piece



**Test Method 28WHH for Certification of Cord Wood-Fired Hydronic Heating Appliances With Partial Thermal Storage: Measurement of Particulate Matter (PM) and Carbon Monoxide (CO) Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances With Partial Thermal Storage**

**1.0 Scope and Application**

1.1 This test method applies to wood-fired hydronic heating appliances with heat storage external to the appliance. The units typically transfer heat through circulation of a liquid heat exchange media such as water or a water-antifreeze mixture. Throughout this document, the term "water" will be used to denote any of the heat transfer liquids approved for use by the manufacturer.

1.2 The test method measures PM and CO emissions and delivered heating efficiency at specified heat output rates referenced against the appliance's rated heating capacity as specified by the manufacturer and verified under this test method.

1.3 PM emissions are measured by the dilution tunnel method as specified in the EPA Method 28WHH and the standards

referenced therein with the exceptions noted in section 12.5.9. Delivered efficiency is measured by determining the fuel energy input and appliance output. Heat output is determined through measurement of the flow rate and temperature change of water circulated through a heat exchanger external to the appliance and the increase in energy of the external storage. Heat input is determined from the mass of dry wood fuel and its higher heating value (HHV). Delivered efficiency does not attempt to account for pipeline loss.

1.4 Products covered by this test method include both pressurized and non-pressurized hydronic heating appliances intended to be fired with wood and for which the manufacturer specifies for indoor or outdoor installation. The system, which includes the heating appliance and external storage, is commonly connected to a heat exchanger by insulated pipes and normally includes a pump to circulate heated liquid. These systems are used to heat structures such as homes, barns and greenhouses. They also provide heat for domestic hot water, spas and swimming pools.

1.5 Distinguishing features of products covered by this standard include:

1.5.1 The manufacturer specifies the application for either indoor or outdoor installation.

1.5.2 A firebox with an access door for hand loading of fuel.

1.5.3 Typically an aquastat mounted as part of the appliance that controls combustion air supply to maintain the liquid in the appliance within a predetermined temperature range provided sufficient fuel is available in the firebox. The appliance may be equipped with other devices to control combustion.

1.5.4 A chimney or vent that exhausts combustion products from the appliance.

1.5.5 A liquid storage system, typically water, which is not large enough to accept all of the heat produced when a full load of wood is burned and the storage system starts a burn cycle at 125 °F.

1.5.6 The heating appliances require external thermal storage and these units will only be installed as part of a system which includes thermal storage. The manufacturer specifies the minimum amount of thermal storage required. However, the storage system



shall be large enough to ensure that the boiler (heater) does not cycle, slumber, or go into an off-mode when operated in a Category III load condition (See section 4.3).

1.6 The values stated are to be regarded as the standard whether in I-P or SI units. The values given in parentheses are for information only.

## 2.0 Summary of Method and References

2.1 PM and CO emissions are measured from a wood-fired hydronic heating appliance burning a prepared test fuel charge in a test facility maintained at a set of prescribed conditions. Procedures for determining heat output rates, PM and CO emissions, and efficiency and for reducing data are provided.

### 2.2 Referenced Documents

#### 2.2.1 EPA Standards

##### 2.2.1.1 Method 28 Certification and Auditing of Wood Heaters

##### 2.2.1.2 Method 28WHH Measurement of Particulate Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances and the Standards Referenced therein.

#### 2.2.2 Other Standards

##### 2.2.2.1 CSA-B415.1-10 *Performance Testing of Solid-Fuel-Burning Heating Appliances*

## 3.0 Terminology

### 3.1 Definitions

3.1.1 Hydronic Heating—A heating system in which a heat source supplies energy to a liquid heat exchange media such as water that is circulated to a heating load and returned to the heat source through pipes.

3.1.2 Aquastat—A control device that opens or closes a circuit to control the rate of fuel consumption in response to the temperature of the heating media in the heating appliance.

3.1.3 Delivered Efficiency—The percentage of heat available in a test fuel charge that is delivered to a simulated heating load or the storage system as specified in this test method.

3.1.4 Emission Factor—The emission of a pollutant expressed in mass per unit of energy (typically) output from the boiler/heater.

3.1.5 Emission Index—The emission of a pollutant expressed in mass per unit mass of fuel used.

3.1.6 Emission Rate—The emission of a pollutant expressed in mass per unit time

3.1.7 Manufacturer's Rated Heat Output Capacity—The value in Btu/hr (MJ/hr) that the manufacturer specifies that a particular model of hydronic heating appliance is capable of supplying at its design capacity as verified by testing, in accordance with section 12.5.4.

3.1.8 Heat Output Rate—The average rate of energy output from the appliance during a specific test period in Btu/hr (MJ/hr).

3.1.9 Firebox—The chamber in the appliance in which the test fuel charge is placed and combusted.

3.1.10 NIST—National Institute of Standards and Technology.

3.1.11 Test Fuel Charge—The collection of test fuel placed in the appliance at the start of the emission test run.

3.1.12 Test Run—An individual emission test which encompasses the time required to consume the mass of the test fuel charge. The time of the test run also considers the time for the energy to be drawn from the thermal storage.

3.1.13 Test Run Under "Cold-to-Cold" Condition—Under this test condition the test fuel is added into an empty chamber along with kindling and ignition materials (paper). The boiler/heater at the start of this test is typically 125° to 130 °F.

3.1.14 Test Run Under "Hot-to-Hot" Condition—Under this test condition the test fuel is added onto a still-burning bed of charcoals produced in a pre-burn period. The boiler/heater water is near its operating control limit at the start of the test.

3.1.15 Overall Efficiency, also known as Stack Loss Efficiency—The efficiency for each test run as determined using the CSA B415.1-10 (IBR, see § 60.17) stack loss method (SLM).

3.1.16 Phases of a Burn Cycle—The "startup phase" is defined as the period from the start of the test until 15 percent of the test fuel charge is consumed. The "steady-state phase" is defined as the period from the end of the startup phase to a point at which 80 percent of the test fuel charge is consumed. The "end phase" is defined as the time from the end of the steady-state period to the end of the test.

3.1.17 Thermopile—A device consisting of a number of thermocouples connected in series, used for measuring differential temperature.

3.1.18 Slumber Mode—This is a mode in which the temperature of the water in the boiler/heater has exceeded the operating control limit and the control has changed the boiler/heater fan speed, dampers, and/or other operating parameters to minimize the heat output of the boiler/heater.

## 4.0 Summary of Test Method

4.1 Dilution Tunnel. Emissions are determined using the "dilution tunnel" method specified in EPA Method 28WHH and the standards referenced therein. The flow rate in the dilution tunnel is maintained at a constant level throughout the test cycle and accurately measured. Samples of the dilution tunnel flow stream are extracted at a constant flow rate and drawn through high efficiency filters. The filters are dried and weighed before and after the test to determine the emissions collected and this value is multiplied by the ratio of tunnel flow to filter flow to determine the total particulate emissions produced in the test cycle.

4.2 Efficiency. The efficiency test procedure takes advantage of the fact that this type of system delivers heat through circulation of the heated liquid (water) from the system to a remote heat exchanger (e.g. baseboard radiators in a room) and back to the system. Measurements of the cooling water temperature difference as it enters and exits the test system heat exchanger along with the measured flow rate allow for an accurate determination of the useful heat output of the appliance. Also included in the heat output is the change in the energy content in the storage system during a test

run. Energy input to the appliance during the test run is determined by weight of the test fuel charge, adjusted for moisture content, multiplied by the higher heating value. Additional measurements of the appliance weight and temperature at the beginning and end of a test cycle are used to correct for heat stored in the appliance. Overall efficiency (SLM) is determined using the CSA B415.1-10 (IBR, see § 60.17) stack loss method for data quality assurance purposes.

4.3 Operation. Four test categories are defined for use in this method. These are:

4.3.1 Category I: A heat output of 15 percent or less of manufacturer's rated heat output capacity.

4.3.2 Category II: A heat output of 16 percent to 24 percent of manufacturer's rated heat output capacity.

4.3.3 Category III: A heat output of 25 percent to 50 percent of manufacturer's rated heat output capacity.

4.3.4 Category IV: Manufacturer's Rated Heat Output Capacity. These heat output categories refer to the output from the system by way of the load heat exchanger installed for the test. The output from just the boiler/heater part of the system may be higher for all or part of a test, as part of this boiler/heater output goes to storage.

For the Category III and IV runs, appliance operation is conducted on a hot-to-hot test cycle meaning that the appliance is brought to operating temperature and a coal bed is established prior to the addition of the test fuel charge and measurements are made for each test fuel charge cycle. The measurements are made under constant heat draw conditions within pre-determined ranges. No attempt is made to modulate the heat demand to simulate an indoor thermostat cycling on and off in response to changes in the indoor environment.

For the Category I and II runs, the unit is tested with a "cold start." At the manufacturer's option, the Category II and III runs may be waived and it may be assumed that the particulate emission values and efficiency values determined in the startup, steady-state, and end phases of Category I are applicable in Categories II and III for the purpose of determining the annual averages in lb/mmBtu and g/MJ (See section 13). For the annual average in g/hr, the length of time for stored heat to be drawn from thermal storage shall be determined for the test load requirements of the respective category.

All test operations and measurements shall be conducted by personnel of the laboratory responsible for the submission of the test report.

## 5.0 Significance and Use

5.1 The measurement of particulate matter emission and CO rates is an important test method widely used in the practice of air pollution control.

5.1.1 These measurements, when approved by state or federal agencies, are often required for the purpose of determining compliance with regulations and statutes.

5.1.2 The measurements made before and after design modifications are necessary to demonstrate the effectiveness of design changes in reducing emissions and make this standard an important tool in manufacturers' research and development programs.

5.2 Measurement of heating efficiency provides a uniform basis for comparison of product performance that is useful to the consumer. It is also required to relate emissions produced to the useful heat production.

5.3 This is a laboratory method and is not intended to be fully representative of all actual field use. It is recognized that users of hand-fired, wood-burning equipment have a great deal of influence over the performance of any wood-burning appliance. Some compromises in realism have been made in the interest of providing a reliable and repeatable test method.

## 6.0 Test Equipment

6.1 Scale. A platform scale capable of weighing the boiler/heater under test and associated parts and accessories when completely filled with water to an accuracy of  $\pm 1.0$  pound ( $\pm 0.5$  kg) and a readout resolution of  $\pm 0.2$  pound ( $\pm 0.1$  kg).

6.2 Heat Exchanger. A water-to-water heat exchanger capable of dissipating the expected heat output from the system under test.

6.3 Water Temperature Difference Measurement. A Type—T 'special limits' thermopile with a minimum of 5 pairs of junctions shall be used to measure the temperature difference in water entering and leaving the heat exchanger. The temperature difference measurement uncertainty of this type of thermopile is equal to or less than  $\pm 0.50$  °F ( $\pm 0.25$  °C). Other temperature measurement methods may be used if the temperature difference measurement uncertainty is equal to or less than  $\pm 0.50$  °F ( $\pm 0.25$  °C). This measurement uncertainty shall include the temperature sensor, sensor well arrangement, piping arrangements, lead wire, and measurement/recording system. The response time of the temperature measurement system shall be less than half of the time interval at which temperature measurements are recorded.

6.4 Water Flow Meter. A water flow meter shall be installed in the inlet to the load side of the heat exchanger. The flow meter shall have an accuracy of  $\pm 1$  percent of measured flow.

6.4.1 Optional—Appliance Side Water Flow Meter. A water flow meter with an accuracy of  $\pm 1$  percent of the flow rate is recommended to monitor supply side water flow rate.

6.5 Optional Recirculation Pump. Circulating pump used during test to prevent stratification, in the boiler/heater, of liquid being heated.

6.6 Water Temperature Measurement. Thermocouples or other temperature sensors to measure the water temperature at the inlet and outlet of the load side of the heat exchanger must meet the calibration requirements specified in 10.1 of this method.

6.7 Lab Scale. For measuring the moisture content of wood slices as part of the overall wood moisture determination. Accuracy of  $\pm 0.01$  pounds.

6.8 Flue Gas Temperature Measurement. Must meet the requirements of CSA B415.1–10 (IBR, see § 60.17), clause 6.2.2.

6.9 Test Room Temperature Measurement. Must meet the requirements of

CSA B415.1–10 (IBR, see § 60.17), clause 6.2.1.

6.10 Flue Gas Composition Measurement. Must meet the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.3.1 through 6.3.3.

6.11 Dilution Tunnel CO Measurement. In parallel with the flue gas composition measurements, the CO concentration in the dilution tunnel shall also be measured and reported at time intervals not to exceed one minute. This analyzer shall meet the zero and span drift requirements of CSA B415.1–10 (IBR, see § 60.17). In addition the measurement repeatability shall be better than  $\pm 15$  ppm over the range of CO levels observed in the dilution tunnel.

## 7.0 Safety

7.1 These tests involve combustion of wood fuel and substantial release of heat and products of combustion. The heating system also produces large quantities of very hot water and the potential for steam production and system pressurization. Appropriate precautions must be taken to protect personnel from burn hazards and respiration of products of combustion.

## 8.0 Sampling, Test Specimens and Test Appliances

8.1 Test specimens shall be supplied as complete appliances, as described in marketing materials, including all controls and accessories necessary for installation in the test facility. A full set of specifications, installation and operating instructions, and design and assembly drawings shall be provided when the product is to be placed under certification of a third-party agency. The manufacturer's written installation and operating instructions are to be used as a guide in the set-up and testing of the appliance and shall be part of the test record.

8.2 The size, connection arrangement, and control arrangement for the thermal storage shall be as specified in the manufacturer's documentation. It is not necessary to use the specific storage system that the boiler/heater will be marketed with. However, the capacity of the system used in the test cannot be greater than that specified as the minimum allowable for the boiler/heater.

8.3 All system control settings shall be the as-shipped, default settings. These default settings shall be the same as those communicated in a document to the installer or end user. These control settings and the documentation of the control settings as to be provided to the installer or end user shall be part of the test record.

8.4 Where the manufacturer defines several alternatives for the connection and loading arrangement, one shall be defined in the appliance documentation as the default or standard installation. It is expected that this will be the configuration for use with a simple baseboard heating system. This is the configuration to be followed for these tests. The manufacturer's documentation shall define the other arrangements as optional or alternative arrangements.

## 9.0 Preparation of Test Equipment

9.1 The appliance is to be placed on a scale capable of weighing the appliance fully loaded with a resolution of  $\pm 0.2$  lb (0.1 kg).

9.2 The appliance shall be fitted with the type of chimney recommended or provided by the manufacturer and extending to  $15 \pm 0.5$  feet ( $4.6 \pm 0.15$  m) from the upper surface of the scale. If no flue or chimney system is recommended or provided by the manufacturer, connect the appliance to a flue of a diameter equal to the flue outlet of the appliance. The flue section from the appliance flue collar to  $8 \pm 0.5$  feet above the scale shall be single wall stove pipe and the remainder of the flue shall be double wall insulated class A chimney.

### 9.3 Optional Equipment Use

9.3.1 A recirculation pump may be installed between connections at the top and bottom of the appliance to minimize thermal stratification if specified by the manufacturer. The pump shall not be installed in such a way as to change or affect the flow rate between the appliance and the heat exchanger.

9.3.2 If the manufacturer specifies that a thermal control valve or other device be installed and set to control the return water temperature to a specific set point, the valve or other device shall be installed and set per the manufacturer's written instructions.

9.4 Prior to filling the boiler/heater with water, weigh and record the appliance mass.

### 9.5 Heat Exchanger

9.5.1 Plumb the unit to a water-to-water heat exchanger with sufficient capacity to draw off heat at the maximum rate anticipated. Route hoses and electrical cables and instrument wires in a manner that does not influence the weighing accuracy of the scale as indicated by placing dead weights on the platform and verifying the scale's accuracy.

9.5.2 Locate thermocouples to measure the water temperature at the inlet and outlet of the load side of the heat exchanger.

9.5.3 Install a thermopile (or equivalent instrumentation) meeting the requirements of section 6.3 to measure the water temperature difference between the inlet and outlet of the load side of the heat exchanger.

9.5.4 Install a calibrated water flow meter in the heat exchanger load side supply line. The water flow meter is to be installed on the cooling water inlet side of the heat exchanger so that it will operate at the temperature at which it is calibrated.

9.5.5 Place the heat exchanger in a box with 2 in. (50 mm) of expanded polystyrene (EPS) foam insulation surrounding it to minimize heat losses from the heat exchanger.

9.5.6 The reported efficiency and heat output rate shall be based on measurements made on the load side of the heat exchanger.

9.5.7 Temperature instrumentation per section 6.6 shall be installed in the appliance outlet and return lines. The average of the outlet and return water temperature on the supply side of the system shall be considered the average appliance temperature for calculation of heat storage in the appliance ( $TF_{avg}$  and  $TI_{avg}$ ). Installation of a water flow meter in the supply side of the system is optional.

9.6 Storage Tank. The storage tank shall include a destratification pump as illustrated in Figure 1. The pump will draw from the bottom of the tank and return to the top as illustrated. Temperature sensors (TS1 and TS2 in Figure 1) shall be included to measure the temperature in the recirculation loop. The valve plan in Figure 1 allows the tank recirculation loop to operate and the boiler/heater-to-heat exchanger loop to operate at the same time but in isolation. This would typically be done before the start of a test or following completion of a test to determine the end of test average tank temperature. The nominal flow rate in the storage tank recirculation loop can be estimated based on pump manufacturers' performance curves and any significant restriction in the recirculation loop.

9.7 Fill the system with water. Determine the total weight of the water in the appliance when the water is circulating. Verify that the scale indicates a stable weight under operating conditions. Make sure air is purged properly.

#### 10.0 Calibration and Standardization

10.1 Water Temperature Sensors. Temperature measuring equipment shall be calibrated before initial use and at least semi-annually thereafter. Calibrations shall be in compliance with National Institute of Standards and Technology (NIST) Monograph 175, Standard Limits of Error.

10.2 Heat Exchanger Load Side Water Flow Meter.

10.2.1 The heat exchanger load side water flow meter shall be calibrated within the flow range used for the test run using NIST-traceable methods. Verify the calibration of the water flow meter before and after each test run and at least once during each test run by comparing the water flow rate indicated by the flow meter to the mass of water collected from the outlet of the heat

exchanger over a timed interval. Volume of the collected water shall be determined based on the water density calculated from section 13, Eq. 12, using the water temperature measured at the flow meter. The uncertainty in the verification procedure used shall be 1 percent or less. The water flow rate determined by the collection and weighing method shall be within 1 percent of the flow rate indicated by the water flow meter.

10.3 Scales. The scales used to weigh the appliance and test fuel charge shall be calibrated using NIST-traceable methods at least once every 6 months.

10.4 Flue Gas Analyzers—In accordance with CSA B415.1–10 (IBR, see § 60.17), clause 6.8.

#### 11.0 Conditioning

11.1 Prior to testing, an appliance is to be operated for a minimum of 50 hours using a medium heat draw rate. The conditioning may be at the manufacturer's facility prior to the certification test. If the conditioning is at the certification test laboratory, the pre-burn for the first test can be included as part of the conditioning requirement. If conditioning is included in pre-burn, then the appliance shall be aged with fuel meeting the specifications outlined in section 12.2 with a moisture content between 19 and 25 percent on a dry basis. Operate the appliance at a medium heat output rate (Category II or III) for at least 10 hours for non-catalytic appliances and 50 hours for catalytic appliances. Record and report hourly flue gas exit temperature data and the hours of operation. The aging procedure shall be conducted and documented by a testing laboratory.

#### 12.0 Procedure

12.1 Appliance Installation. Assemble the appliance and parts in conformance with the manufacturer's written installation

instructions. Clean the flue with an appropriately sized, wire chimney brush before each certification test series.

12.2 Fuel. Test fuel charge fuel shall be red (*Quercus rubra* L.) or white (*Quercus Alba*) oak 19 to 25 percent moisture content on a dry basis. Piece length shall be 80 percent of the firebox depth rounded down to the nearest 1 inch (25mm) increment. For example, if the firebox depth is 46 inches (1168mm) the piece length would be 36 inches (46 inches x 0.8 = 36.8 inches, rounded down to 36 inches). Pieces are to be placed in the firebox parallel to the longest firebox dimension. For fireboxes with sloped surfaces that create a non-uniform firebox length, the piece length shall be adjusted for each layer based on 80 percent of the length at the level where the layer is placed. The test fuel shall be cord wood with cross section dimensions and weight limits as defined in CSA B415.1–10 (IBR, see § 60.17), section 8.3, Table 4. The use of dimensional lumber is not allowed.

12.2.1 Select three pieces of cord wood from the same batch of wood as the test fuel and the same weight as the average weight of the pieces in the test load  $\pm 1.0$  lb. From each of these three pieces, cut three slices. Each slice shall be  $\frac{1}{2}$  inch to  $\frac{3}{4}$  inch thick. One slice shall be cut across the center of the length of the piece. The other two slices shall be cut half way between the center and the end. Immediately measure the mass of each piece in pounds. Dry each slice in an oven at 220 °F for 24 hours or until no further weight change occurs. The slices shall be arranged in the oven so as to provide separation between faces. Remove from the oven and measure the mass of each piece again as soon as practical, in pounds.

The moisture content of each slice, on a dry basis, shall be calculated as:

$$MC_{\text{slice}} = 100 \cdot \frac{(W_{\text{SliceWet}} - W_{\text{SliceDry}})}{W_{\text{SliceDry}}}$$

Where:

$W_{\text{SliceWet}}$  = weight of the slice before drying in pounds

$W_{\text{SliceDry}}$  = weight of the slice after drying in pounds

$MC_{\text{slice}}$  = moisture content of the slice in % dry basis

The average moisture content of the entire test load (MC) shall be determined using Eq. 6. Each individual slice shall have a moisture content in the range of 18 percent to 28 percent on a dry basis. The average moisture content for the test fuel load shall be in the range of 19 percent to 25 percent. Moisture shall not be added to previously dried fuel pieces except by storage under high humidity conditions and temperature up to 100 °F. Fuel moisture measurement shall begin within 4 hours of using the fuel batch for a test. Use of a pin-type meter to estimate the moisture content prior to a test is recommended.

12.2.2 Firebox Volume. Determine the firebox volume in cubic feet. Firebox volume

shall include all areas accessible through the fuel loading door where firewood could reasonably be placed up to the horizontal plane defined by the top of the loading door. A drawing of the firebox showing front, side and plan views or an isometric view with interior dimensions shall be provided by the manufacturer and verified by the laboratory. Calculations for firebox volume from computer aided design (CAD) software programs are acceptable and shall be included in the test report if used. If the firebox volume is calculated by the laboratory the firebox drawings and calculations shall be included in the test report.

12.2.3 Test Fuel charge. Test fuel charges shall be determined by multiplying the firebox volume by 10 pounds (4.54 kg) per ft<sup>3</sup> (28L), or a higher load density as recommended by the manufacturer's printed operating instructions, of wood (as used wet weight). Select the number of pieces of cord wood that most nearly match this target

weight. However, the test fuel charge cannot be less than the target of 10 pounds (4.54 kg) per ft<sup>3</sup> (28L).

12.3 Sampling Equipment. Prepare the particulate emission sampling equipment as defined by EPA Method 28WHH and the standards referenced therein.

12.4 Appliance Startup. The appliance shall be fired with wood fuel of any species, size and moisture content, at the laboratory's discretion, to bring it up to operating temperature. Operate the appliance until the water is heated to the upper operating control limit and has cycled at least two times. Then remove all unburned fuel, zero the scale and verify the scales accuracy using dead weights.

12.4.1 Startup Procedure for Category III and IV Test Runs, "Hot-to-Hot."

12.4.1.1 Pretest t Burn Cycle. Following appliance startup (section 12.4), reload appliance with oak cord wood and allow it to burn down to the specified coal bed weight. The pre-test burn cycle fuel charge

weight shall be within  $\pm 10$  percent of the test fuel charge weight. Piece size and length shall be selected such that charcoalization is achieved by the time the fuel charge has burned down to the required coal bed weight. Pieces with a maximum thickness of approximately 2 inches have been found to be suitable. Charcoalization is a general condition of the test fuel bed evidenced by an absence of large pieces of burning wood in the coal bed and the remaining fuel pieces being brittle enough to be broken into smaller charcoal pieces with a metal poker. Manipulations to the fuel bed prior to the start of the test run are to be done to achieve charcoalization while maintaining the desired heat output rate. During the pre-test burn cycle and at least one hour prior to starting the test run, adjust water flow to the heat exchanger to establish the target heat draw for the test. For the first test run the heat draw rate shall be equal to the manufacturer's rated heat output capacity.

12.4.1.2 Allowable Adjustments. Fuel addition or subtractions, and coal bed raking shall be kept to a minimum but are allowed up to 15 minutes prior to the start of the test run. For the purposes of this method, coal bed raking is the use of a metal tool (poker) to stir coals, break burning fuel into smaller pieces, dislodge fuel pieces from positions of poor combustion, and check for the condition of charcoalization. Record all adjustments to and additions or subtractions of fuel, and any other changes to the appliance operations that occur during pretest ignition period. During the 15-minute period prior to the start of the test run, the wood heater loading door shall not be open more than a total of 1 minute. Coal bed raking is the only adjustment allowed during this period.

12.4.1.3 Coal Bed Weight. The appliance is to be loaded with the test fuel charge when the coal bed weight is between 10 percent and 20 percent of the test fuel charge weight. Coals may be raked as necessary to level the coal bed but may only be raked and stirred once between 15 to 20 minutes prior to the addition of the test fuel charge.

12.4.1.4 Storage. The Category III and IV test runs may be done either with or without the thermal storage. If thermal storage is used, the initial temperature of the storage must be 125 °F or greater at the start of the test. The storage may be heated during the pre-test burn cycle or it may be heated by external means. If thermal storage is used, prior to the start of the test run, the storage tank destratification pump, shown in Figure 1, shall be operated until the total volume pumped exceeds 1.5 times the tank volume and the difference between the temperature at the top and bottom of the storage tank ( $TS_1$  and  $TS_2$ ) is less than 1 °F. These two temperatures shall then be recorded to determine the starting average tank temperature. The total volume pumped may be based on the nominal flow rate of the destratification pump (See section 9.6). If the Category III and IV runs are done with storage, it is recognized that during the last hour of the pre-burn cycle the storage tank must be mixed to achieve a uniform starting temperature and cannot receive heat from the boiler/heater during this time. During this time period, the boiler/heater might cycle or

go into a steady reduced output mode. (Note—this would happen, for example, in a Category IV run if the actual maximum output of the boiler/heater exceed the manufacturer's rated output.) A second storage tank may be used temporarily to enable the boiler/heater to operate during this last hour of the pre-burn period as it will during the test period. The temperature of this second storage tank is not used in the calculations but the return water to the boiler/heater (after mixing device if used) must be 125 °F or greater.

12.4.2 Startup Procedure for Category I and II Test Runs, "Cold-to-Cold."

12.4.2.1 Initial Temperatures. This test shall be started with both the boiler/heater and the storage at a minimum temperature of 125 °F. The boiler/heater maximum temperature at the start of this test shall be 135 °F. The boiler/heater and storage may be heated through a pre-burn or it may be heated by external means.

12.4.2.2 Firebox Condition at Test Start. Prior to the start of this test remove all ash and charcoal from the combustion chamber(s). The loading of the test fuel and kindling should follow the manufacturer's recommendations, subject to the following constraints: Up to 10 percent kindling and paper may be used which is in addition to the fuel load. Further, up to 10 percent of the fuel load (*i.e.*, included in the 10 lb/ft<sup>3</sup>) may be smaller than the main fuel. This startup fuel shall still be larger than 2 inches.

12.4.2.3 Storage. The Category I and II test runs shall be done with thermal storage. The initial temperature of the storage must be 125 °F or greater at the start of the test. The storage may be heated during the pre-test burn cycle or it may be heated by external means. Prior to the start of the test run, the storage tank destratification pump, shown in Figure 1, shall be operated until the total volume pumped exceeds 1.5 times the tank volume and the difference between the temperature at the top and bottom of the storage tank ( $TS_1$  and  $TS_2$ ) is less than 1 °F. These two temperatures shall then be recorded to determine the starting average tank temperature. The total volume pumped may be based on the nominal flow rate of the destratification pump (See section 9.6).

12.5 Test Runs. For all test runs, the return water temperature to the hydronic heater must be equal to or greater than 120 °F (this is lower than the initial tank temperature to allow for any pipeline losses). Where the storage system is used, flow of water from the boiler/heater shall be divided between the storage tank and the heat exchanger such that the temperature change of the circulating water across the heat exchanger shall be  $30 \pm 5$  °F, averaged over the entire test run. This is typically adjusted using the system valves.

Complete a test run in each heat output rate category, as follows:

12.5.1 Test Run Start. For Category III and IV runs: Once the appliance is operating normally and the pretest coal bed weight has reached the target value per section 12.4.1, tare the scale and load the full test charge into the appliance. Time for loading shall not exceed 5 minutes. The actual weight of the test fuel charge shall be measured and

recorded within 30 minutes prior to loading. Start all sampling systems.

For Category I and II runs: Once the appliance has reached the starting temperature, tare the scale and load the full test charge, including kindling into the appliance. The actual weight of the test fuel charge shall be measured and recorded within 30 minutes prior to loading. Light the fire following the manufacturer's written normal startup procedure. Start all sampling systems.

12.5.1.1 Record all water temperatures, differential water temperatures and water flow rates at time intervals of one minute or less.

12.5.1.2 Record particulate emissions data per the requirements of EPA Method 28WHH and the standards referenced therein.

12.5.1.3 Record data needed to determine overall efficiency (SLM) per the requirements of CSA B415.1–10 (IBR, see § 60.17) clauses 6.2.1, 6.2.2, 6.3, 8.5.7, 10.4.3(a), 10.4.3(f), and 13.7.9.3

12.5.1.3.1 Measure and record the test room air temperature in accordance with the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.2.1, 8.5.7 and 10.4.3(g).

12.5.1.3.2 Measure and record the flue gas temperature in accordance with the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 6.2.2, 8.5.7 and 10.4.3(f).

12.5.1.3.3 Determine and record the carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>) concentrations in the flue gas in accordance with CSA B415.1–10 (IBR, see § 60.17), clauses 6.3, 8.5.7 and 10.4.3(i) and (j).

12.5.1.3.4 Measure and record the test fuel weight per the requirements of CSA B415.1–10 (IBR, see § 60.17), clauses 8.5.7 and 10.4.3(h).

12.5.1.3.5 Record the test run time per the requirements of CSA B415.1–10 (IBR, see § 60.17), clause 10.4.3(a).

12.5.1.3.6 Record and document all settings and adjustments, if any, made to the boiler/heater as recommended/required by manufacturer's instruction manual for different combustion conditions or heat loads. These may include temperature setpoints, under and over-fire air adjustment, or other adjustments that could be made by an operator to optimize or alter combustion. All such settings shall be included in the report for each test run.

12.5.1.4 Monitor the average heat output rate on the load side of the heat exchanger based on water temperatures and flow. If the heat output rate over a 10 minute averaging period gets close to the upper or lower limit of the target range ( $\pm 5$  percent), adjust the water flow through the heat exchanger to compensate. Make changes as infrequently as possible while maintaining the target heat output rate. The first test run shall be conducted at the Category IV heat output rate to validate that the appliance is capable of producing the manufacturer's rated heat output capacity.

12.5.2 Test Fuel Charge Adjustment. It is acceptable to adjust the test fuel charge (*i.e.*, reposition) once during a test run if more than 60 percent of the initial test fuel charge weight has been consumed and more than 10

minutes have elapsed without a measurable (1 lb or 0.5 kg) weight change while the operating control is in the demand mode. The time used to make this adjustment shall be less than 60 seconds.

12.5.3 Test Run Completion. For the Category III and IV, "hot-to-hot" test runs, the test run is completed when the remaining weight of the test fuel charge is 0.0 lb (0.0 kg). ( $W_{FuelBurned} = W_{fuel}$ ) End the test run when the scale has indicated a test fuel charge weight of 0.0 lb (0.0 kg) or less for 30 seconds.

For the Category I and II "cold-to-cold" test runs, the test run is completed; and the end of a test is defined at the first occurrence of any one of the following:

(a) The remaining weight of the test fuel charge is less than 1 percent of the total test fuel weight ( $W_{FuelBurned} > 0.99 \cdot W_{fuel}$ );

(b) The automatic control system on the boiler/heater switches to an off mode. In this case, the boiler/heater fan (if used) is typically stopped and all air flow dampers are closed by the control system. Note that this off mode cannot be an "overheat" or emergency shutdown which typically requires a manual reset; or

(c) If the boiler/heater does not have an automatic off mode: After 90 percent of the fuel load has been consumed and the scale has indicated a rate of change of the test fuel charge of less than 1.0 lb/hr for a period of 10 minutes or longer. Note—this is not considered "stopped fuel combustion." See section 12.5.6.1.

12.5.3.1 At the end of the test run, stop the particulate sampling train and overall efficiency (SLM) measurements, and record the run time, and all final measurement values.

12.5.3.2 At the end of the test run, continue to operate the storage tank destratification pump until the total volume pumped exceeds 1.5 times the tank volume. The maximum average of the top and bottom temperatures measured after this time may be taken as the average tank temperature at the end of the tests (TFSavg, See section 13.1). The total volume pumped may be based on the nominal flow rate of the destratification pump (See section 9.6).

12.5.3.3 For the Category I and II test runs, there is a need to determine the energy content of the unburned fuel remaining in the chamber if the remaining mass in the chamber is greater than 1 percent of the test fuel weight. Following the completion of the test, as soon as safely practical, this remaining fuel is removed from the chamber, separated from the remaining ash and weighed. This separation could be implemented with a slotted "scoop" or similar tool. A ¼ inch opening size in the separation tool shall be used to separate the ash and charcoal. This separated char is assigned a heating value of 12,500 Btu/lb.

12.5.4 Heat Output Capacity Validation. The first test run must produce a heat output rate that is within 10 percent of the manufacturer's rated heat output capacity (Category IV) throughout the test run and an average heat output rate within 5 percent of the manufacturer's rated heat output capacity. If the appliance is not capable of producing a heat output within these limits,

the manufacturer's rated heat output capacity is considered not validated and testing is to be terminated. In such cases, the tests may be restarted using a lower heat output capacity if requested by the manufacturer. Alternatively, during the Category IV run, if the rated output cannot be maintained for a 15 minute interval, the manufacturer may elect to reduce the rated output to match the test and complete the Category IV run on this basis. The target outputs for Categories I, II, and III shall then be recalculated based on this change in rated output capacity.

12.5.5 Additional Test Runs. Using the manufacturer's rated heat output capacity as a basis, conduct a test for additional heat output categories as specified in section 4.3. It is not required to run these tests in any particular order.

12.5.6 Alternative Heat Output Rate for Category I. If an appliance cannot be operated in the Category I heat output range due to stopped combustion, two test runs shall be conducted at heat output rates within Category II. When this is the case, the weightings for the weighted averages indicated in section 14.1.15 shall be the average of the Category I and II weightings and shall be applied to both Category II results. Appliances that are not capable of operation within Category II (<25 percent of maximum) cannot be evaluated by this test method.

12.5.6.1 Stopped Fuel Combustion. Evidence that an appliance cannot be operated at a Category I heat output rate due to stopped fuel combustion shall include documentation of two or more attempts to operate the appliance in heat output rate Category I and fuel combustion has stopped prior to complete consumption of the test fuel charge. Stopped fuel combustion is evidenced when an elapsed time of 60 minutes or more has occurred without a measurable (1 lb or 0.5 kg) weight change in the test fuel charge while the appliance operating control is in the demand mode. Report the evidence and the reasoning used to determine that a test in heat output rate Category I cannot be achieved. For example, two unsuccessful attempts to operate at an output rate of 10 percent of the rated output capacity are not sufficient evidence that heat output rate Category I cannot be achieved.

12.5.7 Appliance Overheating. Appliances with their associated thermal storage shall be capable of operating in all heat output categories without overheating to be rated by this test method. Appliance overheating occurs when the rate of heat withdrawal from the appliance is lower than the rate of heat production when the unit control is in the idle mode. This condition results in the water in the appliance continuing to increase in temperature well above the upper limit setting of the operating control. Evidence of overheating includes: 1 hour or more of appliance water temperature increase above the upper temperature set-point of the operating control, exceeding the temperature limit of a safety control device (independent from the operating control—typically requires manual reset), boiling water in a non-pressurized system or activation of a pressure or temperature relief valve in a pressurized system.

12.5.8 Option to Eliminate Tests in Category II and III. Following successful completion of a test run in Category I, the manufacturer may eliminate the Category II and III tests. For the purpose of calculating the annual averages for particulates and efficiency, the values obtained in the Category I run shall be assumed to apply also to Category II and Category III. It is envisioned that this option would be applicable to systems which have sufficient thermal storage such that the fuel load in the Category I test can be completely consumed without the system reaching its upper operating temperature limit. In this case, the boiler/heater would likely be operating at maximum thermal output during the entire test and this output rate may be higher than the manufacturer's rated heat output capacity. The Category II and III runs would then be the same as the Category I run. It may be assumed that the particulate emission values and efficiency values determined in the startup, steady-state, and end phases of Category I are applicable in Categories II and III, for the purpose of determining the annual averages in lb/mmBtu and g/MJ (See section 13). For the annual average in g/hr, the length of time for stored heat to be drawn from thermal storage shall be determined for the test load requirements of the respective category.

12.5.9 Modification to Measurement Procedure in EPA Method 28WHH to Determine Emissions Separately During the Startup, Steady-State and End Phases. With one of the two particulate sampling trains used, filter changes shall be made at the end of the startup phase and the steady-state phase (See section 3.0). This shall be done to determine the particulate emission rate and particulate emission index for the startup, steady-state, and end phases individually. For this one train, the particulates measured during each of these three phases shall be added together to also determine the particulate emissions for the whole run.

12.5.10 Modification to Measurement Procedure in EPA Method 28WHH and the Standards Referenced therein on Averaging Period for Determination of Efficiency by the Stack Loss Method. The methods currently defined in Method 28WHH allow averaging over 10-minute time periods for flue gas temperature, flue gas CO<sub>2</sub>, and flue gas CO for the determination of the efficiency with the stack loss method. However, under some cycling conditions the "on" period may be short relative to this 10-minute period. For this reason, during cycling operation the averaging period for these parameters may not be longer than the burner on period divided by 10. The averaging period need not be shorter than one minute. During the off period, under cycling operation, averaging periods as specified in EPA Method 28WHH and the standards referenced therein, may be used. Where short averaging times are used, however, the averaging period for fuel consumption may still be at 10 minutes. This average wood consumption rate shall be applied to all of the smaller time intervals included.

12.6 Additional Test Runs. The testing laboratory may conduct more than one test run in each of the heat output categories

specified in section 4.3. If more than one test run is conducted at a specified heat output rate, the results from at least two-thirds of the test runs in that heat output rate category shall be used in calculating the weighted average emission rate. The measurement data and results of all test runs shall be reported regardless of which values are used in calculating the weighted average emission rate.

### 13.0 Calculation of Results

#### 13.1 Nomenclature

CO<sub>s</sub>—Carbon monoxide measured in the dilution tunnel at arbitrary time in ppm dry basis.

CO<sub>g/min</sub>—Carbon monoxide emission rate in g/min.

CO<sub>T</sub>—Total carbon monoxide emission for the full test run in grams.

CO<sub>1</sub>—Startup period carbon monoxide emissions in grams.

CO<sub>2</sub>—Steady-state period carbon monoxide emission in grams.

CO<sub>3</sub>—End period carbon monoxide emission in grams.

E<sub>T</sub>—Total particulate emissions for the full test run as determined per EPA Method 28WHH and the standards referenced therein in grams.

E<sub>1</sub>—Startup period particulate emissions in grams.

E<sub>2</sub>—Steady-state period particulate emissions in grams.

E<sub>3</sub>—End period particulate emissions in grams.

E<sub>1\_g/kg</sub>—Startup period particulate emission index in grams per kg fuel.

E<sub>2\_g/kg</sub>—Steady-state period particulate emission index in grams per kg fuel.

E<sub>3\_g/kg</sub>—End period particulate emission index in grams per kg fuel.

E<sub>1\_g/hr</sub>—Startup period particulate emission rate in grams per hour.

E<sub>2\_g/hr</sub>—Steady-state period particulate emission rate in grams per hour.

E<sub>3\_g/hr</sub>—End period particulate emission rate in grams per hour.

E<sub>g/MJ</sub>—Emission rate in grams per MJ of heat output.

E<sub>lb/mmBtu output</sub>—Emissions rate in pounds per million Btu of heat output.

E<sub>g/kg</sub>—Emissions factor in grams per kilogram of dry fuel burned.

E<sub>g/hr</sub>—Emission factor in grams per hour.

HHV—Higher heating value of fuel = 8600 Btu/lb (19.990 MJ/kg).

LHV—Lower heating value of fuel = 7988 Btu/lb (18.567 MJ/kg).

ΔT—Temperature difference between cooling water entering and exiting the heat exchanger.

Q<sub>out</sub>—Total heat output in Btu (MJ).

Q<sub>in</sub>—Total heat input available in test fuel charge in Btu's (MJ).

Q<sub>std</sub>—Volumetric flow rate in dilution tunnel in dscfm.

M—Mass flow rate of water in lb/min (kg/min).

V<sub>i</sub>—Volume of water indicated by a totalizing flow meter at the i<sub>th</sub> reading in gallons (liters).

V<sub>i</sub>—Volumetric flow rate of water in heat exchange system in gallons per minute (liters/min).

Θ—Total length of burn period in hours (Θ<sub>1</sub> + Θ<sub>2</sub> + Θ<sub>3</sub>).

Θ<sub>1</sub>—Length of time of the startup period in hours.

Θ<sub>2</sub>—Length of time of the steady-state period in hours.

Θ<sub>3</sub>—Length of time of the end period in hours.

Θ<sub>4</sub>—Length of time for stored heat to be used following a burn period in hours.

t<sub>i</sub>—Data sampling interval in minutes.

η<sub>del</sub>—Delivered heating efficiency in percent.

F<sub>i</sub>—Weighting factor for heat output category i. (See Table 2.)

T<sub>1</sub>—Temperature of water at the inlet on the supply side of the heat exchanger, °F.

T<sub>2</sub>—Temperature of the water at the outlet on the supply side of the heat exchanger, °F.

T<sub>3</sub>—Temperature of cooling water at the inlet to the load side of the heat exchanger, °F.

T<sub>4</sub>—Temperature of cooling water at the outlet of the load side of the heat exchanger, °F.

T<sub>5</sub>—Temperature of the hot water supply as it leaves the boiler/heater, °F.

T<sub>6</sub>—Temperature of return water as it enters the boiler/heater, °F.

T<sub>7</sub>—Temperature in the boiler/heater optional destratification loop at the top of the boiler/heater, °F.

T<sub>8</sub>—Temperature in the boiler/heater optional destratification loop at the bottom of the boiler/heater, °F.

TI<sub>avg</sub>—Average temperature of the appliance and water at start of the test.

$$TI_{avg} - (T5 + T6)/2 \text{ at the start of the test, } ^\circ\text{F.}$$

Eq. 1

TF<sub>avg</sub>—Average temperature of the appliance and water at the end of the test.

$$TF_{avg} - (T5 + T6)/2 \text{ at the end of the test, } ^\circ\text{F.}$$

Eq. 2

TIS<sub>1</sub>—Temperature at the inlet to the storage system at the start of the test.

TIS<sub>2</sub>—Temperature at the outlet from the storage system at the start of the test.

TFS<sub>1</sub>—Temperature at the inlet to the storage system at the end of the test.

TFS<sub>2</sub>—Temperature at the outlet from the storage system at the end of the test.

TIS<sub>avg</sub>—Average temperature of the storage system at the start of the test.

$$TIS_{avg} - (TIS_1 + TIS_2)/2 \text{ at the end of the test.}$$

Eq. 3

TFS<sub>avg</sub>—Average temperature of the storage system at the end of the test.

$$TFS_{avg} - (TFS_1 + TFS_2)/2.$$

Eq. 4

MC—Fuel moisture content in percent dry basis.

σ—Density of water in pounds per gallon.

σ<sub>initial</sub>—Density of water in the boiler/heater system at the start of the test in pounds per gallons.

σ<sub>boiler/heater</sub>—Density of water in the boiler/heater system at an arbitrary time during the test in pounds per gallon.

C<sub>p</sub>—Specific heat of water in Btu/lb, °F.

C<sub>steel</sub>—Specific heat of steel (0.1 Btu/lb, °F).

V<sub>boiler/heater</sub>—total volume of water in the boiler/heater system on the weight scale in gallons.

W<sub>fuel</sub>—Fuel charge weight, as-fired or “wet”, in pounds (kg).

W<sub>fuel\_1</sub>—Fuel consumed during the startup period in pounds (kg).

W<sub>fuel\_2</sub>—Fuel consumed during the steady state period in pounds (kg).

W<sub>fuel\_3</sub>—Fuel consumed during the end period in pounds (kg).

$W_{\text{FuelBurned}}$ —Weight of fuel that has been burned from the start of the test to an arbitrary time, including the needed correction for the change in density and weight of the water in the boiler/heater system on the scale in pounds (kg).

$W_{\text{RemainingFuel}}$ —Weight of unburned fuel separated from the ash at the end of a test. Useful only for Category I and Category II tests.

$W_{\text{app}}$ —Weight of empty appliance in pounds (kg).

$W_{\text{wat}}$ —Weight of water in supply side of the system in pounds (kg).

$W_{\text{ScaleInitial}}$ —Weight reading on the scale at the start of the test, just after the test load has been added in pounds (kg).

$W_{\text{Scale}}$ —Reading of the weight scale at an arbitrary time during the test run in pounds (kg).

$W_{\text{StorageTank}}$ —Weight of the storage tank empty in pounds (kg).

$W_{\text{WaterStorage}}$ —Weight of the water in the storage tank at  $TIS_{\text{avg}}$  in pounds (kg).

13.2 After the test is completed, determine the particulate emissions  $E_T$  in accordance with EPA Method 28WHH and the standards referenced therein.

13.3 Determination of the weight of fuel that has been burned at an arbitrary time.

For the purpose of tracking the consumption of the test fuel load during a test run the following may be used to calculate the weight of fuel that burned since the start of the test:

$$W_{\text{FuelBurned}} = (W_{\text{ScaleInitial}} - W_{\text{Scale}}) + V_{\text{Boiler/heater}} \cdot (\sigma_{\text{Initial}} - \sigma_{\text{boiler/heater}}) \quad \text{Eq. 5}$$

Water density,  $\sigma$ , is calculated using Equation 12.

13.4 Determine Average Fuel Load Moisture Content.

$$MC = \frac{\sum W_{\text{SliceWet}_i} - MC_{\text{Slice}_i}}{\sum W_{\text{SliceWet}_i}} \quad \text{Eq. 6}$$

13.5 Determine Heat Input.

$$Q_{\text{in}} = (W_{\text{fuel}} / (1 + (MC/100))) \times \text{HHV, Btu (MJ)}. \quad \text{Eq. 7}$$

$$Q_{\text{in LHV}} = (W_{\text{fuel}} / (1 + (MC/100))) \times \text{LHV, Btu (MJ)}. \quad \text{Eq. 8}$$

13.5.1 Correction to  $Q_{\text{in}}$  for the Category I and II tests, where there is greater than 1

percent of the test fuel charge in the chamber at the end of the test period.

$$Q_{\text{InCorrected}} = Q_{\text{in}} - W_{\text{Remaining}} \cdot 12,500 \text{ Btu} \quad \text{Eq. 9}$$

13.6 Determine Heat Output, Efficiency, and Emissions.

13.6.1 Determine heat output as:

$Q_{\text{out}} = \Sigma$  [Heat output determined for each sampling time interval] + Change in heat

stored in the appliance + Change in heat in storage tank.

$$Q_{\text{out}} = \Sigma [C_{pi} \cdot \Delta T_i \cdot M_i \cdot t_i] + (W_{\text{app}} \cdot C_{\text{steel}} + W_{\text{water}} \cdot C_{pa}) \cdot (TF_{\text{avg}} - TI_{\text{avg}}) \\ + (W_{\text{StorageTank}} \cdot C_{\text{steel}} + W_{\text{WaterStorage}} \cdot C_{pa}) \cdot (TFS_{\text{avg}} - TIS_{\text{avg}}) \text{ Btu (MJ)} \quad \text{Eq. 10}$$

**Note:** The subscript (i) indicates the parameter value for sampling time interval  $t_i$ .

$M_i$  = Mass flow rate = gal/min  $\times$  density of water (lb/gal) = lb/min.

$$M_i = V_{fi} \cdot \sigma_i, \text{ lb/min.} \quad \text{Eq. 11}$$

$$\sigma_i = (62.56 + (-.0003413 \times T_{3i}) + (-.00006225 \times T_{3i}^2)) \cdot 0.1337, \text{ lb/gal.} \quad \text{Eq. 12}$$

$$C_p = 1.0014 + (-.000003485 \times T_{3i}) \text{ Btu/lb, } ^\circ\text{F.} \quad \text{Eq. 13}$$

$C_{\text{steel}} = 0.1 \text{ Btu/lb, } ^\circ\text{F.}$

$$C_{pa} = 1.0014 + (-.000003485 \times (TI_{\text{avg}} + TF_{\text{avg}})/2), \text{ Btu/lb, } ^\circ\text{F.} \quad \text{Eq. 14}$$

$$V_{fi} = (V_i - V_{i-1}) / (t_i - t_{i-1}), \text{ gal/min.} \quad \text{Eq. 15}$$

**Note:**  $V_i$  is the total water volume at the end of interval  $i$  and  $V_{i-1}$  is the total water volume at the beginning of the time interval.

This calculation is necessary when a totalizing type water meter is used.

13.6.2 Determine Heat Output Rate Over Burn Period ( $\Theta_1 + \Theta_2 + \Theta_3$ ) as:

$$\text{Heat Output Rate} = Q_{\text{out}}/\Theta, \text{ Btu/hr (MJ/hr).} \quad \text{Eq. 16}$$

13.6.3 Determine Emission Rates and Emission Factors as:

$$E_{\text{g/MJ}} = E_T/(Q_{\text{out}} \times 0.001055), \text{ g/MJ.} \quad \text{Eq. 17}$$

$$E_{\text{lb/MM Btu output}} = (E_T/453.59)/(Q_{\text{out}} \times 10^{-6}), \text{ lb/mmBtu out.} \quad \text{Eq. 18}$$

$$E_{\text{g/kg}} = E_T/(W_{\text{fuel}}/(1+MC/100)), \text{ g/dry kg.} \quad \text{Eq. 19}$$

$$E_{\text{g/hr}} = E_T/(\Theta_1 + \Theta_2 + \Theta_3 + \Theta_4), \text{ g/hr.} \quad \text{Eq. 20}$$

$$\Theta_4 = (W_{\text{StorageTank}} \cdot C_{\text{steel}} + W_{\text{WaterStorage}} \cdot C_{\text{pa}}) \cdot (TFS_{\text{avg}} - TIS_{\text{avg}})/(Q_{\text{out}}/\Theta) \quad \text{Eq. 21}$$

If thermal storage is not used in a Category III or IV run, then  $\Theta_4 = 0$ .

$$E_{1\_g/kg} = E_1/(W_{\text{fuel}_1}/(1 + MC/100)), \text{ g/dry kg.}$$

$$E_{2\_g/kg} = E_2/(W_{\text{fuel}_2}/(1 + MC/100)), \text{ g/dry kg.}$$

$$E_{3\_g/kg} = E_3/(W_{\text{fuel}_3}/(1 + MC/100)), \text{ g/dry kg.}$$

$$E_{1\_g/hr} = E_1/\Theta_1, \text{ g/hr.}$$

$$E_{2\_g/hr} = E_2/\Theta_2, \text{ g/hr.}$$

$$E_{3\_g/hr} = E_3/\Theta_3, \text{ g/hr.}$$

13.6.4 Determine delivered efficiency as:

$$\eta_{\text{del}} = (Q_{\text{out}}/Q_{\text{InCorrected}}) \times 100, \% \quad \text{Eq. 22}$$

$$\eta_{\text{del LHV}} = (Q_{\text{out}}/Q_{\text{in LHV}}) \times 100, \% \quad \text{Eq. 23}$$

13.6.5 Determine  $\eta_{\text{SLM}}$ —Overall Efficiency, also known as Stack Loss Efficiency, using stack loss method (SLM).

For determination of the average overall thermal efficiency ( $\eta_{\text{SLM}}$ ) for the test run, use the data collected over the full test run and the calculations in accordance with CSA B415.1–10 (IBR, see § 60.17), clause 13.7 except for 13.7.2(e), (f), (g), and (h), use the following average fuel properties for oak: %C = 50.0, %H = 6.6, %O = 43.2, %Ash = 0.2.

13.6.5.1 Whenever the CSA B415.1–10 (IBR, see § 60.17) overall efficiency is found to be lower than the overall efficiency based

on load side measurements, as determined by Eq. 22 of this method, section 14.1.7 of the test report must include a discussion of the reasons for this result. For a test where the CSA B415.1–10 overall efficiency SLM is less than 2 percentage points lower than the overall efficiency based on load side measurements, the efficiency based on load side measurements shall be considered invalid. [Note on the rationale for the 2 percentage points limit. The SLM method does not include boiler/heater jacket losses and, for this reason, should provide an efficiency which is actually higher than the

efficiency based on the energy input and output measurements or “delivered efficiency.” A delivered efficiency that is higher than the efficiency based on the SLM could be considered suspect. A delivered efficiency greater than 2 percentage points higher than the efficiency based on the SLM, then, clearly indicates a measurement error.]

13.6.6 Carbon Monoxide Emissions

For each minute of the test period, the carbon monoxide emission rate shall be calculated as:

$$CO_{\text{g/min}} = Q_{\text{std}} \cdot CO_s \cdot 3.30 \times 10^{-5} \quad \text{Eq. 24}$$

Total CO emissions for each of the three test periods ( $CO_{-1}$ ,  $CO_{-2}$ ,  $CO_{-3}$ ) shall be calculated as the sum of the emission rates for each of the 1-minute intervals. Total CO emission for the test run,  $CO_T$ , shall be calculated as the sum of  $CO_{-1}$ ,  $CO_{-2}$ , and  $CO_{-3}$ .

13.7 Weighted Average Emissions and Efficiency.

13.7.1 Determine the weighted average emission rate and delivered efficiency from the individual tests in the specified heat output categories. The weighting factors ( $F_i$ ) are derived from an analysis of ASHRAE bin data which provides details of normal

building heating requirements in terms of percent of design capacity and time in a particular capacity range—or “bin”—over the course of a heating season. The values used in this method represent an average of data from several cities located in the northern United States.

$$\text{Weighted average delivered efficiency: } \eta_{\text{avg}} = \sum \eta_i \times F_i, \% \quad \text{Eq. 25}$$

$$\text{Weighted average emissions: } E_{\text{avg}} = \sum E_i \times F_i, \% \quad \text{Eq. 26}$$



If, as discussed in section 12.5.8, the option to eliminate tests in Category II and III is elected, the values of efficiency and particulate emission rate as measured in Category I, shall be assigned also to Category II and III for the purpose of determining the annual averages.

#### 14.0 Report

14.1.1 The report shall include the following:

14.1.2 Name and location of the laboratory conducting the test.

14.1.3 A description of the appliance tested and its condition, date of receipt and dates of tests.

14.1.4 A description of the minimum amount of external thermal storage that is required for use with this system. This shall be specified both in terms of volume in gallons and stored energy content in Btu with a storage temperature ranging from 125 °F to the manufacturer's specified setpoint temperature.

14.1.5 A statement that the test results apply only to the specific appliance tested.

14.1.6 A statement that the test report shall not be reproduced except in full, without the written approval of the laboratory.

14.1.7 A description of the test procedures and test equipment including a schematic or other drawing showing the location of all required test equipment. Also, a description of test fuel sourcing, handling and storage practices shall be included.

14.1.8 Details of deviations from, additions to or exclusions from the test

method, and their data quality implications on the test results (if any), as well as information on specific test conditions, such as environmental conditions.

14.1.9 A list of participants and their roles and observers present for the tests.

14.1.10 Data and drawings indicating the fire box size and location of the fuel charge.

14.1.11 Drawings and calculations used to determine firebox volume.

14.1.12 Information for each test run fuel charge including piece size, moisture content and weight.

14.1.13 All required data and applicable blanks for each test run shall be provided in spreadsheet format both in the printed report and in a computer file such that the data can be easily analyzed and calculations easily verified. Formulas used for all calculations shall be accessible for review.

14.1.14 For each test run,  $\Theta_1, \Theta_2, \Theta_3$ , the total CO and particulate emission for each of these three periods, and  $\Theta_4$ .

14.1.15 Calculated results for delivered efficiency at each heat output rate and the weighted average emissions reported as total emissions in grams, pounds per mm Btu of delivered heat, grams per MJ of delivered heat, grams per kilogram of dry fuel and grams per hour. Results shall be reported for each heat output category and the weighted average.

14.1.16 Tables 1A, 1B, 1C, 1D, 1E and Table 2 must be used for presentation of results in test reports.

14.1.17 A statement of the estimated uncertainty of measurement of the emissions and efficiency test results.

14.1.18 A plot of CO emission rate in grams/minute vs. time, based on 1 minute averages, for the entire test period, for each run.

14.1.19 A plot of estimated boiler/heater energy release rate in Btu/hr based on 10 minute averages, for the entire test period, for each run. This will be calculated from the fuel used, the wood heating value and moisture content, and the SLM efficiency during each 10 minute period.

14.1.20 Raw data, calibration records, and other relevant documentation shall be retained by the laboratory for a minimum of 7 years.

#### 15.0 Precision and Bias

15.1 Precision—It is not possible to specify the precision of the procedure in this test method because the appliance operation and fueling protocols and the appliances themselves produce variable amounts of emissions and cannot be used to determine reproducibility or repeatability of this test method.

15.2 Bias—No definitive information can be presented on the bias of the procedure in this test method for measuring solid fuel burning hydronic heater emissions because no material having an accepted reference value is available.

#### 16.0 Keywords

16.1 Solid fuel, hydronic heating appliances, wood-burning hydronic heaters, partial thermal storage.

**Table 1A. Data Summary Part A**

						$\Theta$	$W_{\text{fuel}}$	$MC_{\text{ave}}$	$Q_{\text{in}}$	$Q_{\text{out}}$
Category	Run No	Load % Capacity	Target Load	Actual Load	Actual Load	Test Duration	Wood Weight as-fired	Wood Moisture	Heat Input	Heat Output
		Btu/hr	Btu/hr	Btu/hr	% of max	hrs	lb	%DB	Btu	Btu
I		< 15% of max								
II		16-24% of max								
III		25-50% of max								
IV		Max capacity								

**Table 1B. Data Summary Part B**

			T2 Min	$E_T$	E	E	$E_{\text{g/hr}}$	$E_{\text{g/kg}}$	$\eta_{\text{del}}$	$H_{\text{SLM}}$
Category	Run No	Load % Capacity	Min Return Water Temp.	Total PM Emissions	PM Output Based	PM Output Based	PM Rate	PM Factor	Delivered Efficiency	Stack Loss Efficiency
			°F	g	lb/mm Btu Out	g/MJ	g/hr	g/kg	%	%
I		< 15% of max								
II		16-24% of max								
III		25-50% of max								
IV		Max capacity								

**Table 1C. Data Summary Part C**

			$\Theta_1$	$\Theta_2$	$\Theta_3$	CO <sub>1</sub>	CO <sub>2</sub>	CO <sub>3</sub>	CO <sub>T</sub>
Category	Run No	Load % Capacity	Startup Time.	Steady State Time	End Time	Startup CO emission	Steady State CO emission	End CO emission	Total CO emission
			min	min	min	g	g	g	g
I		< 15% of max							
II		16-24% of max							
III		25-50% of max							
IV		Max capacity							

**Table 1D. Data Summary Part D**

			E <sub>1</sub>	E <sub>2</sub>	E <sub>3</sub>	E <sub>1_g/kg</sub>	E <sub>2_g/kg</sub>	E <sub>3_g/kg</sub>
Category	Run No	Load % Capacity	Startup PM	Steady State PM	End PM	Startup PM emission index	Steady State PM emission index	End PM emission index
			g	g	g	g/kg fuel	g/kg fuel	g/kg fuel
I		< 15% of max						
II		16-24% of max						
III		25-50% of max						
IV		Max capacity						

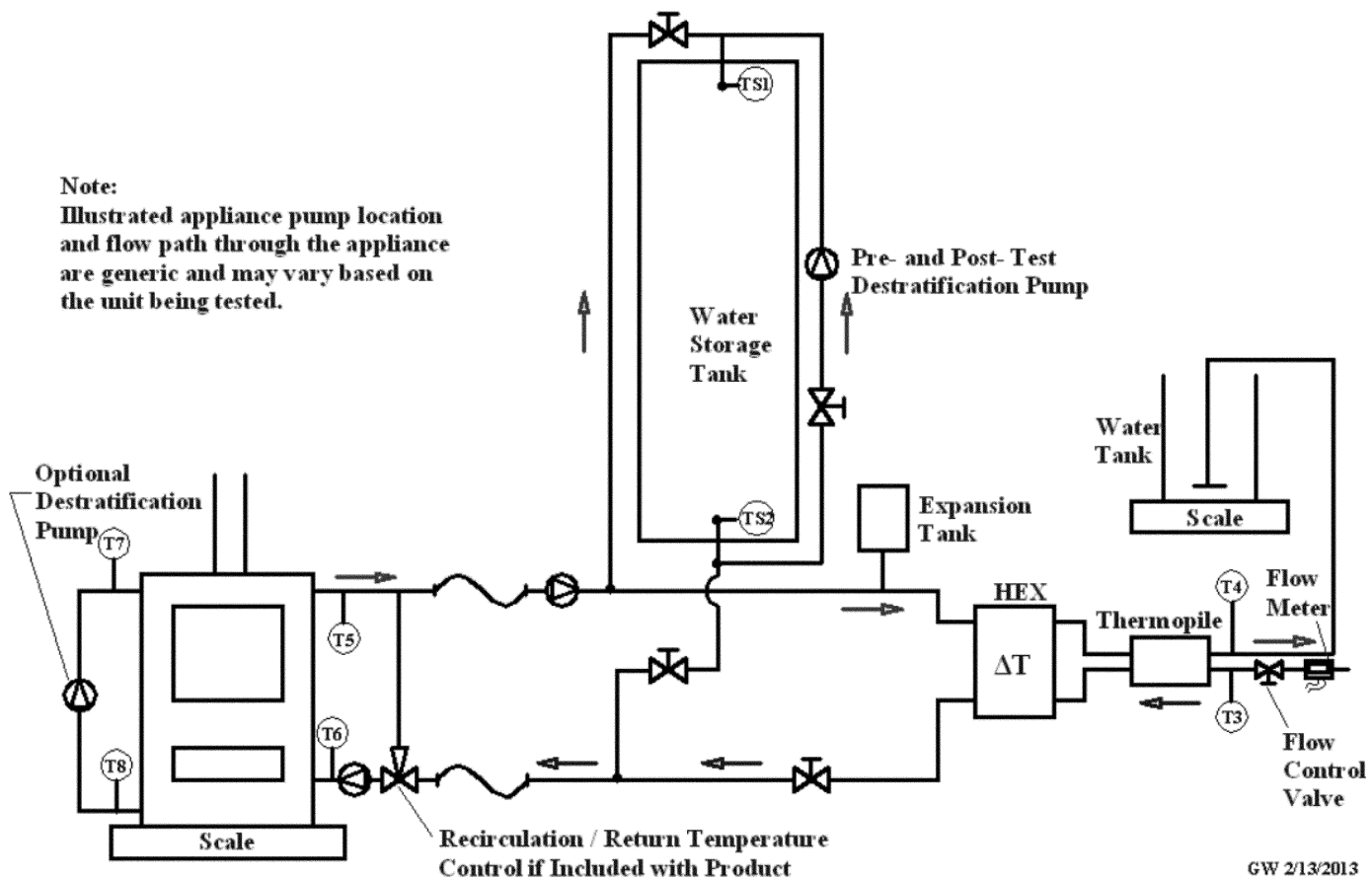
**Table 1E: Label Summary Information**

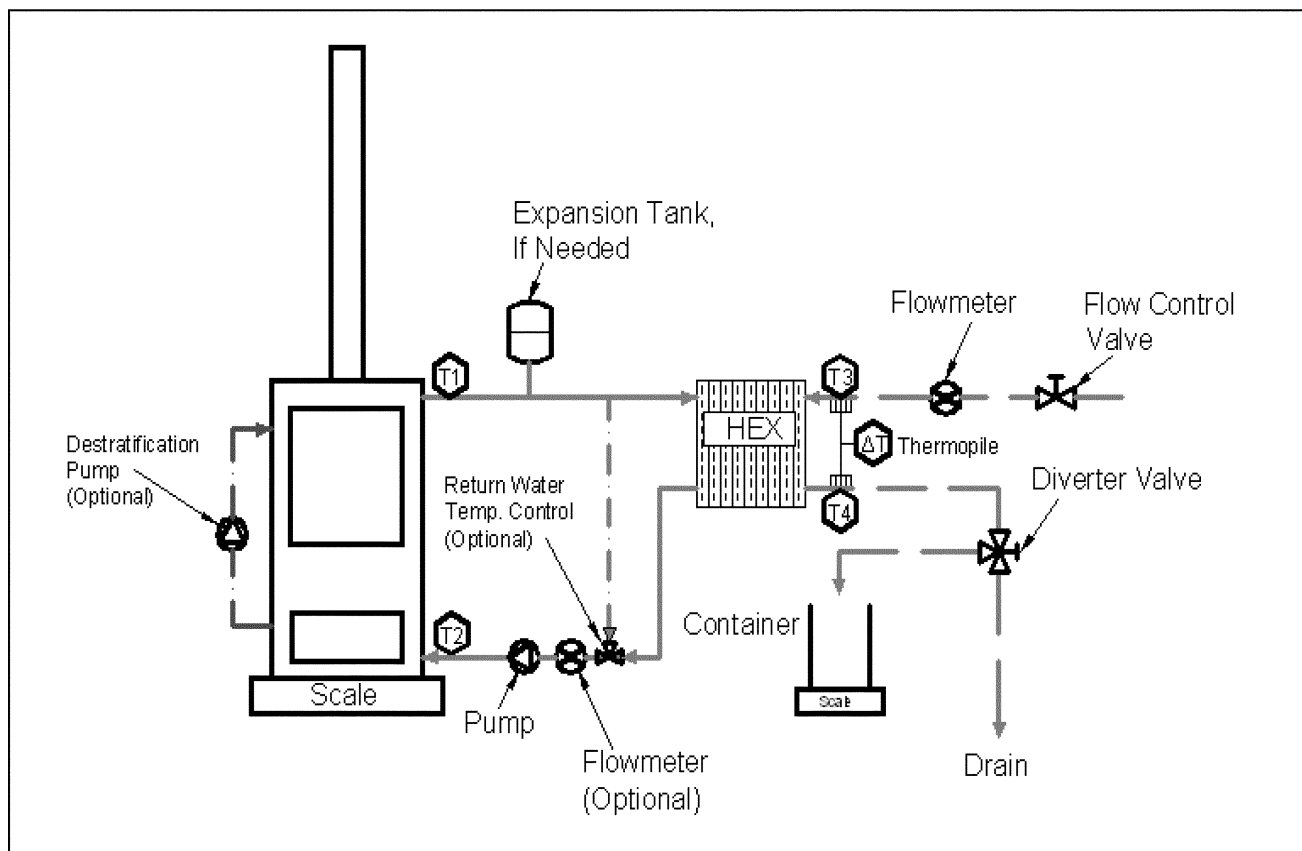
MANUFACTURER:			
MODEL NUMBER:			
ANNUAL EFFICIENCY RATING:	$\eta_{avg}$		(Using higher heating value)
PARTICLE EMISSIONS:	$E_{avg}$		grams/hr (Average)
			lbs/mmBtu/hr Output

**Table 2. Annual Weighting**

Category	Weighting Factor ( $F_i$ )	$\eta_{del,i} \times F_i$	$E_{g/MJ,i} \times F_i$	$E_{g/kg,i} \times F_i$	$E_{lb/mmBtu Out,i} \times F_i$	$E_{g/hr,i} \times F_i$
I	0.437					
II	0.238					
III	0.275					
IV	0.050					
Totals	1.000					

Figure 1. Schematic of Equipment Test Setup



**Figure 2. Schematic of Test Equipment Set-up**

**Note:** Illustrated appliance pump location and flow path through the appliance.

■ 7. Appendix I to Part 60 is revised to read as follows:

**Appendix I to Part 60—Owner's Manuals and Temporary Labels for Wood Heaters Subject to Subparts AAA and QQQQ of Part 60**

**1. Introduction**

The purpose of this appendix is to provide specific instructions and examples to manufacturers for compliance with the owner's manual provisions of subparts AAA and QQQQ of this part.

**2. Instructions for Preparation of Wood Heater Owner's Manuals**

**2.1 Introduction**

Although the owner's manuals do not require premarket approval, EPA will monitor the contents to ensure that sufficient information is included to provide heater proper operation and maintenance information affecting emissions to consumers. The manufacturer must make current and historical owner's manuals available on the company Web site and upon request to the EPA. The purpose of this section is to provide instructions to manufacturers for compliance with the owner's manual provisions of § 60.536(g) of subpart AAA that applies to wood heaters and § 60.5478(f) of subpart QQQQ that applies to hydronic heaters and forced-air furnaces. A checklist of topics and

illustrative language is provided as instructions. Owner's manuals should be tailored to specific wood heater models, as appropriate.

**2.2 Topics Required To Be Addressed in Owner's Manual**

- (a) Wood heater description and compliance status;
- (b) Tamper warnings;
- (c) Overall heater warranty information and catalyst information and warranty (if catalyst-equipped);
- (d) Fuel selection;
- (e) Achieving and maintaining catalyst light-off (if catalyst-equipped);
- (f) Catalyst monitoring (if catalyst-equipped);
- (g) Troubleshooting catalytic-equipped heaters (if catalyst-equipped);
- (h) Catalyst replacement (if catalyst-equipped);
- (i) Wood heater proper operation and maintenance, including minimizing visible emissions;
- (j) Wood heater proper installation, including location, stack height and achieving proper draft;
- (k) Use of smoke detectors and carbon monoxide monitors; and
- (l) Efficiency.

**2.3 Sample Text/Descriptions**

- (a) The following are example texts and/or further descriptions illustrating the topics

identified above. Although the regulation requires manufacturers to address (where applicable) the 10 topics identified above, the exact language is not specified. Manuals should be written specific to the model and design of the wood heater. The following instructions are composed of generic descriptions and texts.

(b) If manufacturers choose to use the language provided in the example, the portion in italics should be revised as appropriate. Any manufacturer electing to use the EPA example language will be considered to be in compliance with owner's manual requirements provided that the particular language is printed in full with only such changes as are necessary to ensure accuracy.

Example language is not provided for certain topics, since these areas are generally heater specific. For these topics, manufacturers should develop text that is specific to the proper operation and maintenance of their particular products.

**2.3.1 Wood Heater Description and Compliance Status**

Owner's manuals must include:

- (a) Manufacturer and model;
- (b) Compliance status (2015 standard, 2016 standard, 2017 standard, 2020 standard, crib wood standard or cord wood alternative standard, last allowable sell date, etc.); and
- (c) Heat output range.

Exhibit 1—Example Text covering 2.3.1(a), (b), and (c) of this appendix:

“This manual describes the installation and operation of the Brand X, Model 0 catalytic equipped wood heater. This heater meets the 2015 U.S. Environmental Protection Agency’s crib wood emission limits for wood heaters sold after May 15, 2015. Under specific test conditions this heater has been shown to deliver heat at rates ranging from 8,000 to 35,000 Btu/hr.”

### 2.3.2 Tamper Warnings

(a) The following statement must be included in the owner’s manual for all units:

“This wood heater has a manufacturer-set minimum low burn rate that must not be altered. It is against federal regulations to alter this setting or otherwise operate this wood heater in a manner inconsistent with operating instructions in this manual.”

(b) The following statement must be included in the owner’s manual for catalyst-equipped units:

“This wood heater contains a catalytic combustor, which needs periodic inspection and replacement for proper operation. It is against federal regulations to operate this wood heater in a manner inconsistent with operating instructions in this manual, or if the catalytic element is deactivated or removed.”

### 2.3.3 Overall Heater Warranty Information and Catalyst Information and Warranty (if catalyst-equipped)

The following information must be included with or supplied in the owner’s and warranty manuals:

(a) Manufacturer and model, including catalyst if catalyst-equipped;

(b) Warranty details, including catalyst if catalyst-equipped; and

(c) Instructions for warranty claims.

Exhibit 2—Example Text covering 2.3.3(a), (b), and (c) of this appendix for catalysts:

“The combustor supplied with this heater is a *Brand Z, Long Life Combustor*. Consult the catalytic combustor warranty also supplied with this wood heater. Warranty claims should be addressed to:

Stove or Catalyst Manufacturer \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

2.3.3.1 This section should also provide clear instructions on how to exercise the warranty (how to package parts for return shipment, etc.).

### 2.3.4 Fuel Selection

Owner’s manuals must include:

(a) Instructions on acceptable fuels;

(b) Warning against inappropriate fuels; and

(c) How to determine seasoned wood compared to unseasoned wood, how to use moisture meters and other techniques and the importance of seasoned wood.

Exhibit 3—Example Text covering 2.3.4(a) and (b) of this appendix:

“This heater is designed to burn natural wood only. Higher efficiencies and lower emissions generally result when burning air dried seasoned hardwoods, as compared to softwoods or to green or freshly cut hardwoods. DO NOT BURN:

(1) Garbage;  
(2) Lawn clippings or yard waste;  
(3) Materials containing rubber, including tires;

(4) Materials containing plastic;

(5) Waste petroleum products, paints or paint thinners, or asphalt products;

(6) Materials containing asbestos;

(7) Construction or demolition debris;

(8) Railroad ties or pressure-treated wood;

(9) Manure or animal remains;

(10) Salt water driftwood or other previously salt water saturated materials;

(11) Unseasoned wood; or

(12) Paper products, cardboard, plywood, or particleboard. The prohibition against burning these materials does not prohibit the use of fire starters made from paper, cardboard, saw dust, wax and similar substances for the purpose of starting a fire in an affected wood heater.

Burning these materials may result in release of toxic fumes or render the heater ineffective and cause smoke.”

### 2.3.5 Achieving and Maintaining Catalyst Light-Off

Owner’s manuals must describe in detail proper procedures for:

(a) Operation of catalyst bypass (stove specific);

(b) Achieving catalyst light-off from a cold start; and

(c) Achieving catalyst light-off when refueling.

2.3.5.1 No example text is supplied for describing operation of catalyst bypass mechanisms (Item 2.3.5(a) of this appendix) since these are typically stove-specific. Manufacturers must provide instructions specific to their model describing:

(1) Bypass position during startup;

(2) Bypass position during normal operation; and

(3) Bypass position during reloading.

Exhibit 4—Example Text for Item 2.3.5(b) of this appendix:

“The temperature in the stove and the gases entering the combustor must be raised to between 500° to 700 °F for catalytic activity to be initiated. During the startup of a cold stove, a medium to high firing rate must be maintained for about 20 minutes. This ensures that the stove, catalyst, and fuel are all stabilized at proper operating temperatures. Even though it is possible to have gas temperatures reach 600 °F within 2 to 3 minutes after a fire is started, if the fire is allowed to die down immediately, it may go out or the combustor may stop working. Once the combustor starts working, heat generated in it by burning the smoke will keep it working.”

Exhibit 5—Example Text for Item 2.3.5(c) of this appendix:

“REFUELING: During the refueling and rekindling of a cool fire, or a fire that has burned down to the charcoal phase, operate the stove at a medium to high firing rate for about 10 minutes to ensure that the catalyst reaches approximately 600 °F.”

### 2.3.6 Catalyst Monitoring

Owner’s manuals must include:

(a) Recommendation to visually inspect combustor at least three times during the heating season;

(b) Discussion on expected combustor temperatures for monitor-equipped units; and

(c) Suggested monitoring and inspection techniques and importance of ensuring catalyst is operating properly.

Exhibit 6—Example Text covering 2.3.6(a), (b) and (c) of this appendix:

“It is important to periodically monitor the operation of the catalytic combustor to ensure that it is functioning properly and to determine when it needs to be replaced. A non-functioning combustor will result in a loss of heating efficiency, and an increase in creosote and emissions. Following is a list of items that should be checked on a periodic basis:

- Combustors should be visually inspected at least three times during the heating season to determine if physical degradation has occurred. Actual removal of the combustor is not recommended unless more detailed inspection is warranted because of decreased performance. If any of these conditions exists, refer to Catalyst Troubleshooting section of this owner’s manual.

- This catalytic (or hybrid) heater is equipped with a temperature probe to monitor catalyst operation. Properly functioning combustors typically maintain temperatures in excess of 500 °F, and often reach temperatures in excess of 1,000 °F. If catalyst temperatures are not in excess of 500 °F, refer to Catalyst Troubleshooting section of this owner’s manual.

- You can get an indication of whether the catalyst is working by comparing the amount of smoke leaving the chimney when the smoke is going through the combustor and catalyst light-off has been achieved, to the amount of smoke leaving the chimney when the smoke is not routed through the combustor (bypass mode).

Step 1—Light stove in accordance with instructions in section 3.3.5.

Step 2—With smoke routed through the catalyst, go outside and observe the emissions leaving the chimney.

Step 3—Engage the bypass mechanism and again observe the emissions leaving the chimney.

Significantly more smoke will be seen when the exhaust is not routed through the combustor (bypass mode).”

### 2.3.7 Catalyst Troubleshooting

The owner’s manual must provide clear descriptions of symptoms and remedies to common combustor problems and importance. It is recommended that photographs of catalyst peeling, plugging, thermal cracking, mechanical cracking, and masking be included in the manual to aid the consumer in identifying problems and to provide direction for corrective action.

### 2.3.8 Catalyst Replacement

The owner’s manual must provide clear step-by-step instructions on how to remove and replace the catalytic combustor. The section should include diagrams and/or photographs.

### 2.3.9 Wood Heater Proper Operation and Maintenance

The owner’s manual must provide clear descriptions of symptoms and remedies to

common heater problems and importance. The owner's manual information must be adequate to enable consumers to achieve optimal emissions performance. Such information must be consistent with the operating instructions provided by the manufacturer to the approved test laboratory for operating the wood heater during certification testing, except for details of the certification test that would not be relevant to the user.

Owner's manual must include:

(a) Recommendations about building and maintaining a fire, especially for cold starts and the effectiveness of the top-down approach for starting fires;

(b) Instruction on proper use of air controls, including how to establish good combustion and how to ensure good combustion at the lowest burn rate for which the heater is warranted;

(c) Ash removal and disposal;

(d) Instruction replacement of gaskets, air tubes and other parts that are critical to the emissions performance of the unit, and other maintenance and repair instructions;

(e) Warning against overfiring; and

(f) Suggested monitoring and inspection techniques and importance of ensuring heater is operating properly, including ensuring visible emissions are minimized.

2.3.9.1 No example text is supplied for 2.3.9(a), (b), (d) and (f) of this appendix since these items are model specific.

Manufacturers should provide detailed instructions on building and maintaining a fire including selection of fuel pieces, fuel quantity and stacking arrangement. Manufacturers should also provide instruction on proper air settings (both primary and secondary) for attaining minimum and maximum heat outputs and any special instructions for operating thermostatic controls. Step-by-step instructions on inspection and replacement of gaskets should also be included. Manufacturers should provide diagrams and/or photographs to assist the consumer. Gasket type and size should be specified.

Exhibit 7—Example Text for Item 2.3.9(c) of this appendix:

"Whenever ashes get 3 to 4 inches deep in your firebox or ash pan, and when the fire has burned down and cooled, remove excess ashes. Leave an ash bed approximately 1 inch

deep on the firebox bottom to help maintain a hot charcoal bed."

"Ashes should be placed in a metal container with a tight-fitting lid. The closed container of ashes should be placed on a noncombustible floor or on the ground, away from all combustible materials, pending final disposal. The ashes should be retained in the closed container until all cinders have thoroughly cooled."

Exhibit 8—Example Text covering Item 2.3.9(e) of this appendix:

"DO NOT OVERFIRE THIS HEATER"

"Attempts to achieve heat output rates that exceed heater design specifications can result in permanent damage to the heater and to the catalytic combustor if so equipped."

#### 2.3.10 Wood Heater Installation, Including Stack Height, Heater Locations and Achieving Proper Draft

Owner's manual must include:

(a) Importance of proper draft;

(b) Conditions indicating inadequate draft;

(c) Conditions indicating excessive draft; and

(d) Guidance on proper stack height and proper heater locations, *i.e.*, not too close to neighbors or in valleys that would cause unhealthy air quality or nuisance conditions.

2.3.10.1 No example text is supplied for (d) because state, local and tribal requirements are model and location specific.

Exhibit 9—Example Text for Item (a):

"Draft is the force which moves air from the appliance up through the chimney. The amount of draft in your chimney depends on the length of the chimney, local geography, nearby obstructions and other factors. Too much draft may cause excessive temperatures in the appliance and may damage the catalytic combustor. Inadequate draft may cause backpuffing into the room and 'plugging' of the chimney or the catalyst."

Exhibit 10—Example Text for Item (b):

"Inadequate draft will cause the appliance to leak smoke into the room through appliance and chimney connector joints."

Exhibit 11—Example Text for Item (c):

"An uncontrollable burn or excessive temperature indicates excessive draft."

#### 2.3.11 Efficiency

Owner's manual must include:

(a) Description of how the efficiency was determined, *e.g.*, use higher heating value of the fuel instead of lower heating value of the fuel, discuss sweet spot versus annual average versus annual fuel usage efficiency (AFUE);

(b) How operation and fuels affect efficiency, *e.g.*, seasoned wood versus high moisture fuel; operation at sweet spot versus low-burn rates; and

(c) How location affects the efficiency, *e.g.*, in main living area versus basement versus outdoors in sub-freezing temperatures.

#### 2.3.12 Smoke and Carbon Monoxide Emissions and Monitors

Owner's manual must include:

(a) Discussion of smoke and carbon monoxide (CO) emissions, including the CO data submitted in the certification application and expected variations for different operating conditions;

(b) Recommendation to have smoke monitors; and

(c) Recommendation to have monitors for areas that are expected to generate CO, *e.g.*, heater fueling areas, pellet fuel bulk storage areas, sheds containing hydronic heaters.

#### 3. Instructions for Preparation of Wood Heater Temporary Labels

3.1 Temporary labels that show the values for emissions, efficiency, recommended heating area and the compliance status may (voluntarily) be affixed by the manufacturer to wood heaters that meet the 2020 particulate matter emission standards early or that meet the cord wood alternative compliance options in subparts AAA and QQQQ of this part.

3.2 The seller of each heater covered by section 3.1 may ensure that the temporary label remains affixed until each heater is purchased by the end user.

3.3 The temporary label option for the 2020 particulate matter emission standards end as of May 15, 2020.

3.4 The template for the temporary labels will be supplied by the Administrator upon request.

[FR Doc. 2015-03733 Filed 3-13-15; 8:45 am]

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